



# *San Diego County Sheriff's Department*

## Policy and Procedure Manual

Last updated 04/18/2024

**SAN DIEGO COUNTY SHERIFF’S DEPARTMENT**  
**Policy & Procedure Manual**

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# SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

## Policy & Procedure Manual

### Executive Order

The San Diego County Sheriff's Department serves the people of San Diego County by performing our public service and detentions functions in a professional manner. We are ultimately responsible to the people we serve. To provide quality service to the community, we must rely on sound leadership, guidance and support. To this end, this Policy and Procedure Manual is adopted for all members of the Department.

Policy consists of principles, values and philosophies which guide the performance of members. It is based on ethics and experience, the desires of the community and legal mandates. Policy is broad in scope so that it will encompass most situations. It is stated in general terms.

Procedures represent the steps taken to perform a particular task. Members are required to follow these steps and may deviate from them with the approval of their supervisor. Without such approval, members must justify their actions.

Each member of the Department must be familiar with the contents of the Manual. Additions or changes will be made from time to time. Violations of any portion of the Policy and Procedure Manual may result in disciplinary action.

Commanding officers have the authority to issue orders which may deviate from the Manual as may be necessary for temporary or emergency purposes.

The Manual cannot encompass all possible situations encountered in the general discharge of police duties. Because of this, members should use good judgement and common sense in determining their course of conduct and action while fulfilling their responsibilities as members of the Department.

The Manual will not apply in such a way as to violate state or federal laws or abridge the constitutional rights of members of this Department. If, for any reason, any portion of the Manual is held to be invalid, the remainder of the Manual shall not be affected.

William D. Gore, Sheriff

# SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

## Policy & Procedure Manual

### Mission, Vision, and Values

#### *Our Mission*

We provide the highest quality public safety service to everyone in San Diego County.

#### *Organizational Vision*

We are an organization that will lead the nation in providing high quality public safety services by working in partnership with our communities. By investing in our employees and providing our staff the support, training, tools, and equipment they need, we will continue to deliver exceptional customer service while ensuring our employees are provided professional growth opportunities which allow them to thrive and succeed at home and in their career.

We recognize the importance of investing in the County's jails. The way we incarcerate people directly impacts public safety. We will be a leader in jail innovation to create and maintain safe facilities. We are an organization that invests in correctional health care, substance use treatment, community reentry, and ongoing improvements that ensure our jails are ADA compliant, with transitional services that deliver the best outcomes for justice involved individuals.

We will be at the forefront of implementing technology advancements that enhance customer and employee experience, reduce redundancy, add value and safety, and protect privacy rights.

#### *Core Values*

<b>HONESTY</b>	We are truthful in our words and in our actions.
<b>INTEGRITY</b>	As people of character and principle, we do what is right, even when no one is looking.
<b>LOYALTY</b>	We are loyal to the values of our department and our profession and committed to protecting the quality of life in the communities we serve.
<b>TRUST</b>	We are confident in the integrity, the ability and the good character of our colleagues.
<b>RESPECT</b>	We treat everyone with dignity, honoring the rights of all individuals.
<b>FAIRNESS</b>	We are just and impartial in all our interactions.
<b>DIVERSITY</b>	We embrace the strength of diversity in our employees and our communities.
<b>COMPASSION</b>	We are compassionate in our words, actions, and deeds.

## **Guiding Principles**

The department's long-term strategy is anchored in professionalism, adapting to change, building partnerships, innovating solutions, and providing the highest level of public safety services. We achieve success by clearly articulating priorities and strategies to guide our decision-making and resource allocations with a vision for the future.

## **Leadership Charter**

As a team, we create an environment that challenges processes and encourages people. We inspire a shared vision and enable others to act. We accomplish this by:

- Leading by example
- Being open and honest
- Honoring commitments
- Making informed decisions
- Encouraging leadership at all levels
- Employee recognition

## **People Are Our Priority**

People are our greatest asset. Our shared success is based on an investment in continuous, relevant learning, accessible to all. Using innovative methods, mentoring, and the sharing of knowledge, we enhance personal and career development.

We cultivate a dynamic work environment that attracts and retains highly competent employees. We have a spirited workplace that inspires partnerships, innovation, achievement and accountability. We are an organization that demonstrates sensitivity to employees' human needs.

*We demonstrate people are our greatest asset by:*

- Providing relevant training, education, and mentorship for staff and our communities
- Ensuring each employee understands and fulfills their professional role and responsibility
- Encouraging leadership at all levels
- Rewarding innovation and celebrating accomplishments
- Sharing best practices
- Committing to finding solutions and resolving conflict
- Using equitable assignment and promotion processes

## **Partnerships & Engagement**

We achieve excellence through the strong partnerships we form among ourselves and those we serve. We base these partnerships on transparency, honesty, and mutual respect. We ensure our people feel we are an engaged and responsive organization. Our outreach, networking, and task force involvement expands our influence and presence to better impact the quality of life of our communities.

We are transparent to build trust. Our engagement and consistent professionalism is key to building and maintaining trust.

## **Adaptation & Performance Management**

As the only law enforcement agency in San Diego County providing detentions, courts, and law enforcement services, we bear enormous responsibility. We are a regional coordinator in times of crisis, and a leader in our discipline. Our decisions and actions impact every allied agency, every city, and every unincorporated community in San Diego County. We embrace our obligation to be responsive and readily adapt to public and employee needs.

We are committed to performance management and setting yearly goals supportive of our mission, vision, and values. Strategic planning encourages proactive and responsible growth in personnel, technology, resource acquisition, and operations. We achieve this by fostering a culture of innovation and empowering our employees to create processes and programs geared towards better serving our communities.

## **Information Led Policing**

The Department is committed to proactive policing via modern policing concepts, collaborative problem solving, and data driven strategies coordinated with technology to increase our efficiency and effectiveness in delivering services to our community.

# **SAN DIEGO COUNTY SHERIFF'S DEPARTMENT**

## **Policy & Procedure Manual**

### **Operational Manuals**

Bomb/Arson	Juvenile
Budget	K-9
Communications	Lab
Contracts	Medical
Crime Prevention	Patrol
Crisis Negotiations	Payroll
Detective	Personnel
Detentions	Reserves
Emergency Operations	S.I.D.
Explorers	Special Enforcement Detail
Financial Services	Traffic
Homicide	Training
Internal Affairs	Transportation

# SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

## Policy & Procedure Manual

### Time Sensitive Activities

Responsible	Task	Due Date	P&P
Undersheriff	Report to Sheriff	October 31	3.30
All Assistant Sheriffs	Operational Manual Review	Annual/January	1.12
Assistant Sheriff/LES	Report to Undersheriff	April 15	3.30
Assistant Sheriff/HRSB	Grievance Analysis	January	3.6
Assistant Sheriff/HRSB	Recognition Awards	Jun 30/Dec 31	3.49
Assistant Sheriff/HRSB	Review Job Descriptions	November	4.2
Assistant Sheriff/HRSB	Uniform Roster	January/June	4.23
Executive Director	Record Review	August/Sept.	3.30
Executive Director	Report to Undersheriff	October 15	3.30
Executive Director	Operational Manual Review	January	1.12
Bureau Commanders	On Site Review	August/Sept.	3.30
Bureau Commanders	On Site Review	October 15	3.30
Bureau Commanders	Home Garaging	September	5.2
Bureau Commanders	Review	Monthly	7.4
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Special Fund Accountant	Audit	October 15	3.30
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## **CRITICAL POLICIES AND PROCEDURES**

As stated under Policy Section 1.1, Policy and Procedure Authority/Definition of Terms,

“All members of this Department will read, will adhere to and will be held accountable for the policies and procedures set forth in this manual.”

Executive members of this Department have identified **23** Policies and Procedures that are deemed “Critical”. Adherence to these policies and procedures are essential to the **Mission, Vision, Values and Goals** of this Department.

### **Critical Policies and Procedures:**

- 2.1 Rules of Conduct for Members of the San Diego County Sheriff’s Department**
- 3.2 Complaints Against Sheriff’s Employees**
- 3.47 Discrimination and Sexual Harassment**
- 5.1 Emergency Vehicle Operation**
- 6.1 Liability Prevention: Threats of Violence**
- 6.7 Explosives – Blasting Caps/High Explosives**
- 6.9 Bomb Threat/Investigations**
- 6.33 Major Crimes, Primary Responders**
- 6.43 Pursuit Policy**
- 6.48 Physical Force**
- 6.55 Protective Orders**
- 6.57 Missing Person Reporting Policy**
- 6.58 Prisoner Escapes**
- 6.66 Chemical Agents Policy**
- 6.78 Stranded Motorist Assistance**
- 6.100 Bloodborne Pathogen Exposure/Control**
- 6.104 Controlled Tire Deflation Device Deployment**
- 6.111 High Risk Entries**
- 6.112 Force Blood Drawing**
- 8.1 Use of Firearms/Deadly Force**
- 9.1 Emergency Operations**
- 9.3 Hostage Negotiations**
- 9.4 Critical Incidents: Tactical Assistance**

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The entire P&P manual will be reviewed every three years by a Committee and facilitated through DIS. The last Committee review was completed on March 9, 2020.

Each individual section revision date is listed below.

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# *San Diego County Sheriff's Department*

## Policy Section

## San Diego County Sheriff's Department - Policy Section

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### **1.1 POLICY AND PROCEDURE AUTHORITY/DEFINITION OF TERMS**

The Policy and Procedure Manual will govern the operations within the San Diego Sheriff's Department. This manual will contain all Department related policies intended for general dissemination and knowledge. Furthermore, this manual will include the procedural and instructional information necessary for Department personnel to comply with the policy, order and directive. All members of this Department will read, adhere to and will be held accountable for the policies and procedures set forth in this manual. (04-28-21)

### **1.2 REVIEW AND DISTRIBUTION – DEPARTMENT POLICIES, RULES AND REGULATIONS**

Only the Sheriff may approve Departmental policies and procedures.

Revisions of Department policies and procedures are encouraged at any time; however, at least once a year a review of all Department policies and procedures will be conducted by the Division of Inspectional Services (DIS). Every three (3) years DIS shall form a P&P Committee to conduct a review of the entire P&P and submit revisions up the Chain of Command.

DIS shall establish procedures for the numbering, dating, printing, and disseminating of all new or revised Department policies and procedures. (04-28-21)

### **1.3 NUMBERING SYSTEM**

The numbering system shall consist of a decimal system with category designators and major subject designators within each category. (07-13-98) (Reviewed 05/01/15)

### **1.4 DISTRIBUTION OF POLICY & PROCEDURE MANUALS**

All Sheriff's Department personnel, including Reserves and 960 re-hires, shall be provided access to the Department's Policies and Procedures as posted on the Sheriff's intranet and shown how to access the policies and procedures at the time of hiring. Critical policies and procedures shall be discussed at the orientation to comply with Sheriff's Department, County of San Diego, State and Federal requirements. (09-19-19)

### **1.5 COMMAND SUCCESSION**

All commands within the Department shall comply with the command succession procedure. (08-18-97) (Reviewed 05/01/15)

### **1.6 SHERIFF'S FACILITY DESIGNATORS**

Standard terminology is to be used for Sheriff's Department facilities in an attempt to provide consistency and accuracy when referring to, or addressing correspondence to these facilities. (04-28-21)

## **SECTION 1 Administration**

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**1.7 STAFF WORK  
FORMAT**

It is the responsibility of the Sheriff's Executive Management Team to establish a department wide, formal standardized staff report format that promotes thoroughness and approval accountability. (06-12-98)  
(Reviewed 05/01/15)

**1.8 FACILITY  
APPEARANCE AND  
MAINTENANCE**

It shall be the responsibility of every member of this Department to keep all facilities and equipment clean and in good working order. Each Facility Commander will be held accountable for the appearance of the interior and exterior portions of facilities. (09-15-98) (Reviewed 05/01/15)

**1.9 DO IT BETTER BY  
SUGGESTION (D.I.B.B.S.)  
PROGRAM**

Sheriff's employees are encouraged to submit proposals via the Do It Better By Suggestion (D.I.B.B.S.) Program. Guidelines are presented in the County Department of Human Resources Policy and Procedure Manual, Policy No. 0345A. (04-28-21)

**1.11 EMPLOYEE ASK THE  
BOSS**

The Ask the Boss Program is intended to enhance Department communications without substituting for normal chain of command information flow. (04-28-21)

**1.12 POLICY &  
PROCEDURE  
PREPARATION**

It is the responsibility of the Sheriff's Executive Management Team to establish a Department wide formal written process required to revise or make new additions to the Policy & Procedure Manual. (04-21-22)

**1.13 REQUESTS FOR  
LEGAL SERVICES**

The Sheriff's Legal Affairs Unit is responsible for handling legal issues solely related to this Department. No legal inquiries of a personal nature will be requested of this Unit. (04-28-21)

**1.14 REVENUE CONTRACT  
DEVELOPMENT AND  
EXECUTION**

All revenue agreements or contracts developed by the Sheriff's Department shall be in keeping with requirements specified in Government Codes 53069.8 and 54981 et seq., San Diego County Administrative Code 123, and Board Policy B-29; and the Department's Mission, Vision and Core Value

## **San Diego County Sheriff's Department - Policy Section**

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Statements. Services to be delivered shall be of value to the community and be within those core services that would normally be provided by the Sheriff's Department. (01-07-05) (Reviewed 05/01/15)



**2.1 RULES OF CONDUCT  
FOR MEMBERS OF THE  
SAN DIEGO COUNTY  
SHERIFF'S DEPARTMENT**

All employees shall conform to Federal, State, and Local laws, as well as to the policies of this Department. It shall be the responsibility of all employees to familiarize themselves and comply with all such policies, orders, directives, rules and regulations of this Department. (02-12-13) (Reviewed 05/01/15)

**2.55 NON-BIASED BASED  
POLICING**

Members of the San Diego County Sheriff's Department are prohibited from inappropriately or unlawfully considering race, ethnicity, religion, national origin, sexual orientation, gender, or lifestyle in deciding whether enforcement intervention will occur.

Effective July 1, 2018, all detentions or searches meeting the documentation requirements of Assembly Bill 953, The Racial and Identity Profiling Act (RIPA) and Government Code section 12525.5 shall be documented in accordance with Department Policy, Procedure, and the law. (07-06-20)

**2.56 OFF DUTY  
INTERVENTION POLICY**

Law enforcement officers whose on duty employment involves performing police functions, retain full power and authority to act as peace officers when off duty. Prior to taking law enforcement action, off duty peace officers who observe or who are told of criminal activity, shall first consider contacting the appropriate law enforcement agency and have on duty officers/deputies respond. Off duty peace officers should, if possible make mental notes of the criminal incident and attempt to be a good witness to the event. (07-11-08) (Reviewed 05/01/15)



## **San Diego County Sheriff's Department - Policy Section**

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### **3.1 RELEASE OF INFORMATION CONCERNING SHERIFF'S DEPARTMENT PERSONNEL**

Personal information pertaining to Departmental personnel is considered to be confidential. This information includes home address, telephone numbers, etc. (08-18-97) (Reviewed 05/01/15)

### **3.2 COMPLAINTS AGAINST SHERIFF'S EMPLOYEES**

The Sheriff's Department will accept complaints of inadequate service or alleged employee misconduct, and process those complaints according to procedure. Complaint investigations shall be conducted in a fair, thorough, impartial, and timely manner.

While it is desirable to have supervisory personnel receive complaints, every member of the Department is authorized to accept complaints from any person. No employee shall attempt to discourage any person from filing a complaint. (07-13-98) (Reviewed 05/01/15)

### **3.3 DISCIPLINARY PROCEDURES**

Supervisors of this Department shall administer a program of discipline that is fair, impartial, complies with statutory and case law, and is consistent with the mission and values of this Department.  
(Reviewed 04-18-2024)

### **3.4 REPORTING NON- WORK RELATED ABSENCES**

Each individual is personally responsible for promptly reporting his or her absence, and the anticipated duration of such absence, to their supervisor. (01-25-18)

### **3.5 EMPLOYEE PERFORMANCE APPRAISALS**

Employee Performance ratings will be based on job related factors without regard to sex, race, age, religion, disability, or national origin. This process is governed by and written in accordance with DHR Policy and Procedure 1003 and Civil Service Rule V. The supervisor will complete and present written evaluations to employees within 30 days from the close of the rating period. Any rating other than fully competent should be sufficiently detailed to support the rating.

Employees are entitled to appeal their Performance Reports according to County of San Diego Human Resources Policy 1003. Hearing Officers may modify performance reports when there has been a clear showing of bias on the part of the rater, when the employee was not previously advised of their work deficiencies, or if any of the information contained in the EPR is factually incorrect. (10-24-05)  
(Reviewed 05/01/15)

## **SECTION 3 Personnel**

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## **San Diego County Sheriff's Department - Policy Section**

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### **3.6 GRIEVANCE RECORDS**

All formal written grievances filed by any Department employee will be maintained by the Sheriff's Employee Relations Division for purposes of coordination, documentation and analysis. (05/01/15)

### **3.7 OUTSIDE EMPLOYMENT**

A Department employee shall not engage in outside supplemental employment unless prior written authorization is obtained from the employee's Facility Captain/Division Manager. (05-15-20)

### **3.8 JURY DUTY**

All Sheriff's Department employees are eligible to serve as jurors and must report for jury duty unless excused by the Jury Commissioner's Office. (08-18-98) (Reviewed 05/01/15)

### **3.9 FEES FOR APPEARANCE IN CIVIL CASES**

Employees of this Department who are subpoenaed to appear as witnesses in civil actions will accept only those fees legally authorized, and in the amount prescribed by statute. (07-13-98) (Reviewed 5-1-15)

### **3.11 HAIR AND GROOMING STANDARDS FOR SWORN PERSONNEL AND COMMUNITY SERVICE OFFICERS**

All sworn personnel and Community Service Officers will comply with grooming standards adopted to establish and maintain a professional department image consistent with public expectations. (05/01/15) (Reviewed 4-8-2011)

### **3.12 UNIFORM REQUIREMENTS, DRESS AND APPEARANCE - ALL PERSONNEL**

All uniform personnel will possess, maintain and wear the uniform as required. All non-uniformed and professional staff shall dress in accordance with the requirements set forth in the uniform specifications and this manual. (12-07-16)

### **3.13 DRESS CODE FOR PROFESSIONAL STAFF AND SWORN STAFF OUT-OF-UNIFORM**

To establish standards of attire that reflects a professional image for our Department. These standards need to also accommodate the requirements of diverse job functions. (05/01/15)

### **3.16 OCCUPATIONAL INJURIES, ILLNESS OR DEATH**

## **SECTION 3 Personnel**

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## **San Diego County Sheriff's Department - Policy Section**

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Any employee injured in the line of duty shall immediately report their injury and receive prompt medical care. The Sheriff's Medical Liaison Unit shall be the advocate for all Sheriff's employees who suffer an occupational illness, injury, or death. The Sheriff's Medical Liaison Unit shall be the sole source for processing injury reports and Workers' Compensation claims to Risk Management. (05/01/15)

### **3.19 CAREER DEVELOPMENT FOR SWORN PERSONNEL**

Human resources development and career path planning are essential in developing and maintaining the effectiveness of the Sheriff's Department and its employees.

- Recruitment

Career development begins at the recruitment stage. Therefore, it is essential that the Department recruit and hire the highest caliber candidates possible. To this end, the Sheriff's Department maintains an active formal recruiting program. However, all employees in their daily contacts with the public are the Department's best recruiters.

- Assignment

Personnel shall receive duty assignments that will provide a solid foundation from which to advance to different positions within the Sheriff's Department. Allocation of personnel to specific assignments shall be made to enhance operations. Consideration will be given to diversity and the needs, abilities, and preferences of individual employees.

- Training

Training is essential to ensure that all Department personnel are properly prepared prior to assuming their various duties and responsibilities. Training must also be a continuous process to accommodate Department needs and meet the interests and concerns our employees have for self-improvement.

- Education

The Department is committed to encouraging all employees to further their education at accredited institutions and will encourage and recognize such effort.

- Career Path Planning

Career Path Planning encourages individuals to gain information that enables them to set goals and take action. The Mentorship Programs and Career Assessment Process Form are tools by which to organize information for an employee to assist in making career decisions. Self-assessment is encouraged and can be aided with the use of Career Assessment Process Forms.

Job descriptions for all specialized positions at the deputy and sergeant level will be kept on file in the Personnel Division in Addendum C. The job descriptions will be available for review, with duties and qualifications explicitly spelled out, giving all deputies identifiable goals.

- Advancement

The Department is committed to giving equal opportunity for advancement to all personnel who are qualified for a position. Advancement within the Department shall be based on the following factors: experience, quality of job performance, which includes problem solving skills and working in partnership with the community, training and education, awards and recognition, and compliance with Department rules and policies. These areas will be evaluated using the Department career assessment process.  
(Reviewed 04-18-2024)

## **SECTION 3 Personnel**

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**3.20 DEPARTMENTAL  
PERSONNEL/EMPLOYEE  
PERFORMANCE/TRAINING  
FILES**

The Sheriff's Department will protect the confidentiality of the master departmental personnel files by setting forth specific procedures to provide limited access to these files. Individual bureau employee performance/training files are prohibited from containing personnel information found in the master Departmental personnel files, such as, annual performance reports. (Reviewed 05/01/15)

**3.23 AWARDS PROGRAMS**

The Department shall strive to officially recognize and honor persons who have performed acts and/or services for the Department, or for the public, which are worthy of recognition. This recognition shall be in the form of Departmental awards and commendations which shall be approved according to specific criteria.

Awards shall only be recommended if the commendable act has clearly met or exceeded the award category's criteria. Those acts that only marginally meet the established criteria shall be reduced to the next lower award level. This policy is necessary to maintain the award program's integrity and to ensure that only those who are deserving receive appropriate recognition. Awards may be awarded posthumously. (05-12-22)

**3.25 THREATS OF  
PHYSICAL HARM**

The San Diego County Sheriff's Department will quickly take the appropriate action necessary to protect all employees who have received a serious threat against them and to make an immediate investigation into the matter for the purpose of prosecuting the guilty party or parties. (05/01/15)

**3.26 BADGES AND  
IDENTIFICATION CARDS**

Badges and/or identification cards will be issued on entry into the classified services of the Department. Badges and/or identification cards will be reissued when changes of classification occur. (01-04-21)

**3.27 EDUCATIONAL  
ENCOURAGEMENT**

Sheriff's personnel are encouraged to attend an institution of higher education. Therefore, supervisors will, whenever possible, assist Department members who wish to attend upper level classes by following policy guidelines. (09-15-98) (Reviewed 05/01/15)

**3.28 PARTICIPATION IN  
YOUTH RECREATIONAL  
PROGRAMS**

The Sheriff may under California Government Code Section 26600, "...sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency...". Accordingly, the Sheriff recognizes the need to offer community youth alternatives to juvenile delinquency and that such alternatives can be provided through youth recreational and athletic programs.

## **San Diego County Sheriff's Department - Policy Section**

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All Department personnel are encouraged to support Department functions aimed at promoting youth recreational programs and juvenile decency such as charitable telethons and similar fund raising events and youth recreation programs. (07-13-98) (Reviewed 05/01/15)

### **3.29 SOFT BODY ARMOR**

All sworn personnel and Community Service Officers are to be issued a vest and cover. (03-30-09) (Reviewed 01-07-19)

### **3.30 SHERIFF'S SPECIAL FUNDS**

The Executive Director, Management Services Bureau has the responsibility to maintain, control, distribute, monitor and audit the Special Fund and its records. The Sheriff's special fund may be used for investigations, provided the expenditure was necessarily incurred in the preservation of peace or the suppression of crime. All such expenditures will comply with the restrictions imposed by Govt. Code Sec. 29435 and the procedures set forth for this policy. (10-10-97) (Reviewed 05/01/15)

### **3.31 PROCEDURE ON DEATH OR SERIOUS INJURY OF EMPLOYEE**

The Sheriff's Department will assist seriously injured or deceased employee's family members, if appropriate or desired. (09-29-11) (Reviewed 05/01/15)

### **3.32 COMPENSATION FOR TEACHING AT SHERIFF'S ACADEMY**

Sheriff's Department employees are prohibited from receiving dual compensation from the County of San Diego and the Community College District for the time they are engaged in teaching activities at the Department's Training Academy when such instruction is performed during the employees' scheduled on duty hours. (04-01-98) (Reviewed 05/01/15)

### **3.33 ARREST AND/OR BOOKING OF EMPLOYEE BY ANOTHER AGENCY**

Whenever any member of the Sheriff's Department is arrested or booked into custody and the Sheriff's Department is notified, the person so notified of the employee's arrest shall immediately notify the Internal Affairs Lieutenant. The arrested employee shall promptly notify his/her supervisor as soon as reasonable under the circumstances. (06-01-98) (Reviewed 05/01/15)

### **3.34 TEMPORARY LIMITED DUTY PROGRAM FOR INJURED OR ILL SHERIFF'S EMPLOYEES**

The Human Resource Services Bureau Risk Management Unit shall be responsible for the administration of the temporary limited duty program.

The Department policy is to provide a program to enable employees to continue to utilize their skills and abilities temporarily limited by injury or disability. This program is designed to monitor the therapeutic instructions of the physician and the progress of an employee to speed their recovery. (07-16-19)

## **SECTION 3 Personnel**

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**3.36 APPEAL PROCEDURE  
FOR ALLEGED PUNITIVE  
REASSIGNMENT**

Operational needs of the Department will necessitate the reassignment of employees. While the Sheriff will consider the benefit to both the Department and employee in making reassignments, no employee is guaranteed any particular assignment or the duration of time to be served in any particular assignment.

The reassignment of employees for the purpose of punishment is generally prohibited. The violation of specific rules of conduct generally constitutes the only basis for punitive actions. However, the administrative reassignment of an employee may occur when it is necessitated because of conduct or actions:

- Detrimental to the integrity and efficiency of the Department,
- Pose a serious liability to the Sheriff or the County,
- Create a danger to the employee or other members of the community,
- Created irreconcilable differences between the employees and co-workers, superiors, or members of the community.

In an effort to create a review forum to resolve alleged punitive reassignments and thereby advance the cause of improved employer/employee relations, the following reassignment review process is established.  
(Reviewed 05-01-15)

**3.37 EMOTIONAL STRESS  
PROCEDURE**

This Department will assist our employees in coping with the emotional distress issues that are inherent to law enforcement work. (09-29-11) (Reviewed 05/01/15)

**3.38 USE OF TOBACCO**

**Procedure Section Only**

**3.39  
DONATIONS/SOLICITATION**

**Procedure Section Only**

**3.40 SHERIFF'S  
DEPARTMENT BUSINESS  
CARDS**

Only those cards and formats described in this section shall be authorized for use by members of this Department. (06-01-98) (Reviewed 05/01/15)

**3.41 TEMPORARY  
ASSIGNMENT PAY**

**Procedure Section Only**

**SECTION 3 Personnel**

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**3.42 PROCEDURE UPON  
RETIREMENT OF  
EMPLOYEE**

Employees retiring from the Department will be recognized in an appropriate manner. (07-13-20)

**3.43 FAIR LABOR  
STANDARDS ACT (FLSA)  
WORK RULES**

Supervisors are responsible for controlling all work time including overtime for their subordinate employees. Informal or unauthorized overtime is not permitted and employees must have the written approval of their supervisor in order to be compensated for any overtime worked. (09-15-98) (Reviewed 05/01/15)

**3.44 PEER SUPPORT UNIT**

The Peer Support Unit has been formed to help all department personnel and their families cope with emotional problems, traumatic incidents and all other inherent work and non-work related crises. (Reviewed 04-18-2024)

**3.45 BILINGUAL PREMIUM**

The Department will provide for communication with non-English speaking persons by designating bilingual positions for certified employees. (05-13-03) (Reviewed 05/01/15)

**3.46 PAYROLL  
PROCEDURES**

All employees shall abide by the rules and regulations of the Compensation Ordinance, Memoranda of Agreements (MOA) and the Sheriff's Payroll Policy and Procedure Manual. (Reviewed 05/01/15)

**3.47 DISCRIMINATION AND  
SEXUAL HARASSMENT**

The San Diego County Sheriffs Department is committed to the basic foundation of human rights for all Department employees, including the right to exist peacefully, the pursuit of tolerance and understanding of others, and the right to seek fair play and self-determination.

In keeping with this commitment, it is this Department's goal to provide a work environment in which all individuals are treated with respect and dignity, free from discrimination. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. (Reviewed 05/01/15)

**3.48 VOLUNTEER  
CHAPLAIN PROGRAM**

Chaplains shall be appointed by the Sheriff for the sole purpose of offering their services without remuneration for the benefit of the Sheriff, his sworn officers, their families and other Department employees. (04-01-98) (Reviewed 05/01/15)

## **San Diego County Sheriff's Department - Policy Section**

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### **3.49 EMPLOYEE RECOGNITION PROGRAM**

The Sheriff's Department shall strive to officially recognize and honor eligible employees for exemplary performance to improve public service through enhanced motivation. This recognition shall be in the form of Departmental awards, which shall be approved according to specific criteria.

Awards shall only be approved if the employee's performance clearly meets specific criteria or exceeds the award category's criteria. This policy is necessary to maintain the integrity of the Employee Recognition Program and to ensure that only exemplary/deserving employees receive appropriate recognition.  
(09/29/22)

### **3.50 Sick Leave**

All department personnel are responsible to insure the proper use of sick leave in accordance with employee Memorandums of Agreement and County policies.

Supervisors and managers are expected to review and approve request for sick leave by learning and applying the published procedures. (Reviewed 05-22-19)

### **3.51 Honor Guard Detail**

All requests for the Honor Guard will go to the Law Enforcement Services Area One Commander. (08-05-11)  
(Reviewed 05/01/15)

### **3.52 ANNUAL VACATION SCHEDULING**

Vacation schedules will be initiated by the individual commands at the beginning of each calendar year. Schedules shall be approved by the Bureau Commander prior to dissemination to ensure approved format and procedures. (4-19-06) (Reviewed 05/01/15)

### **3.53 COMPENSATORY TIME OFF REQUESTS**

Compensatory time off requests will be reasonably accommodated without impacting department operations and minimum staffing levels. (4-19-06) (Reviewed 05/01/15)

### **3.54 OVERTIME MANAGEMENT**

All supervisors and managers are responsible for monitoring, controlling and approving overtime worked by their subordinates. (10-24-05) (Reviewed 05/01/15)

## **SECTION 3 Personnel**

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**3.56 RETALIATORY  
CONDUCT BY  
EMPLOYEES**

This department prohibits retaliatory conduct against or interference with an employee who reports, assists, or seeks to report breaches of department policy, procedures, or rules or engages in activities protected by whistleblower statutes. (12-31-21)

**3.57 MEMORIAL RELEASE  
TIME**

The San Diego Sheriff's Department supports those employees selected by the San Diego Deputy Sheriff's Association (DSA) to attend out-of-county Law Enforcement Memorial events. (12-07-16)

**3.59 FRATERNIZATION  
AND NEPOTISM**

The County of San Diego Code of Ethics requires all employees to treat fellow employees respectfully, fairly and honestly at all times. The Sheriff's Core Values state that the Department will make decisions without personal favoritism, and will be just and impartial in all interactions. Department employees, and especially supervisors and managers, must avoid situations where a conflict of interest may arise, and/or where a conflict of interest may be perceived. This policy addresses nepotism and fraternization and related conflicts of interest. This policy is in addition to the policies that prohibit discrimination and sexual harassment in the workplace. (10-24-19)

**3.60 Wellness Unit**

The Wellness Unit assists employees and volunteers in need and connects them with available resources. (04-18-2024)

## **San Diego County Sheriff's Department - Policy Section**

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### **4.1 DEPARTMENT STANDARDS OF ORGANIZATION**

This Department shall maintain a formal organizational structure with clearly defined and articulated components so that the chain of command and the functional division of components are clearly perceived by all members of the Department. (10-30-98) (Reviewed 4-11-2011)

### **4.2 DEPARTMENT ORGANIZATION**

The duties and responsibilities of each organizational component and of each job assignment within the Department, shall be clearly stated in writing and shall be available for review by all personnel. (04-01-98) (Reviewed 4-11-2011)

### **4.11 CONTRACT FOR LAW ENFORCEMENT**

The Sheriff will provide high quality, multifaceted, and cost-effective law enforcement services to incorporated cities and other entities that enter into contracts approved by the Board of Supervisors. The levels of service provided shall be based on each entity's problems, needs, and capabilities. In all cases the contract service levels shall be, at least, as high as that provided by the Sheriff to the urbanized unincorporated areas of the County. (04-01-98) (Reviewed 4-11-2011)

### **4.12 LINE INSPECTIONS**

Inspections will be conducted within the Sheriff's Department to ensure that the integrity of the Department is maintained and that the operational policies and procedures of all units conform to Department rules and regulations and existing law. (04-21-22)

### **4.16 CRIME ANALYSIS**

The Department shall maintain a crime analysis unit on a permanent basis. A crime analysis system is needed to effectively provide data to support both managerial and operational functions. Crime analysis enhances operational, tactical, and strategic planning. This unit shall exist within, and form an integral part of, the Law Enforcement Services Bureau. The Crime Analysis Unit Manager shall report directly to the Special Investigation Division Captain, within the Law Enforcement Services Bureau. (3-2-22)

### **4.17 FORMS CONTROL**

A centralized forms control function shall be established within the Management Services Bureau. The Director, Fiscal Services Command shall designate a committee to be responsible for the approval, modification, consolidation and printing of all forms used by the Department.

Employees will not create forms for official Department use without prior approval of the Forms Committee. (06-10-98) (Reviewed 4-11-2011)

## **SECTION 4 Organization**

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## **San Diego County Sheriff's Department - Policy Section**

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### **4.20 CITIZEN VOLUNTEER PROGRAM**

This Department will develop and use citizen volunteers to enhance and expand law enforcement services to the citizens of San Diego County. Division managers and station/facility commanders are responsible for ensuring that maximum benefits are derived from the use of volunteers in accordance with this and related county policies. (04-01-98) (Reviewed 3-6-2013)

### **4.21 DEPARTMENT CORRESPONDENCE**

All Sheriff's Department personnel preparing or processing Department correspondence will comply with the procedure listed as described in this manual. (07-13-98) (Reviewed 4-11-2011)

### **4.23 DEPARTMENT COMMITTEES AND REVIEW BOARDS**

The Sheriff will establish committees and review boards to accomplish specific Departmental assignments, as well as on-going tasks and functions. (03-29-22)

### **4.24 RISK MANAGEMENT UNIT**

The Risk Management Unit will coordinate all work related and non-work related injuries and illnesses in compliance with Cal/OSHA regulations relating to workplace health and safety. It is our departmental philosophy that risk management activities shall take place at all levels of the Sheriff's Department; however, the Risk Management Unit shall primarily handle issues of employee health and safety in the workplace and the conditions that may cause employee injuries.

For detailed compliance information, refer to Safety Procedures posted on the Medical Liaison Unit's (MLU) intranet site. The Department Safety Coordinator will update and maintain the Safety Procedures. (01-23-18)

### **4.25 DIVISION OF INSPECTIONAL SERVICES**

The Division of Inspectional Services shall assess internal processes and review high-risk events in order to promote a more efficient, effective and economical operational environment throughout the Department.

The Division of Inspectional Services (DIS) will coordinate liability issues related to use of force, vehicle operations, application of law, jail conditions, and any action by staff that causes an injury. Additionally, they will liaison with the Citizens' Law Enforcement Review Board and County Counsel Claims Division. DIS will work with department-wide subject matter experts to review and facilitate updates to Department Policy and Procedure. It is our Department's philosophy that risk management activities shall take place at all levels of the Sheriff's Department. However, the Division of Inspectional Services shall primarily handle issues of liability in the workplace and actions that may cause injury and/or property damage. (04-21-22)

## **SECTION 4 Organization**

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**4.26 INTERNAL CRIMINAL INVESTIGATIONS UNIT**

Text deleted 2-2-09

## San Diego County Sheriff's Department - Policy Section

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### **5.1 EMERGENCY VEHICLE OPERATION**

*While operating an emergency vehicle, deputies will respond with due regard for public safety including the well being of the deputy(s) involved. Deputies should not rely on red/blue lights and siren to protect them and others from injury or damages. (08-28-18)*

### **5.2 VEHICLE COORDINATION AND USAGE**

Vehicles may be assigned to individuals as necessary for the effective and efficient response to the law enforcement needs within the county, and those individuals shall be accountable for the proper use of the vehicle and timely maintenance. (Reviewed 4-24-15)

### **5.3 DRIVING IN MEXICO**

Approval from an individual's chain of command at the rank of Lieutenant or above shall be obtained before a county vehicle may be driven across the International Border. (10-10-97)  
(Reviewed 4-11-2011)

### **5.4 COLLISIONS INVOLVING SHERIFF'S VEHICLES**

All Sheriff's Department personnel shall promptly document any collision involving County-owned vehicles. (05-12-22)

### **5.5 SAFETY BELTS**

The driver of any county vehicle shall use and ensure all passengers use the available safety belt/shoulder harness restraint equipment installed in the vehicle before moving that vehicle. (01-26-98)

### **5.6 GASOLINE CREDIT CARDS**

County vehicles operated by Sheriff's personnel will be refueled at County fuel locations unless unusual circumstances exist, at which time, County credit cards may be used to fuel at locations other than County facilities. (10-10-97) (Reviewed 4-11-2011)

### **5.7 PARKING CITATIONS ISSUED TO COUNTY VEHICLES**

A parking citation issued to a county vehicle is the responsibility of the assigned driver and will not be dismissed unless urgent circumstances existed at the time of the violation. (05-12-22)

## **SECTION 5 Vehicles & Transportation**

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**5.8 HOME GARAGING  
AND USAGE**

The LES Operations Support Lieutenant shall be responsible for maintaining the approved authorized home garaged vehicle assignment list. The home garaged vehicle assignment list will identify all assignments that are authorized home garaging for either to and from or off duty usage. The home garaged vehicle assignment list will be reviewed annually by the Undersheriff for approval. (05-12-22)



## San Diego County Sheriff's Department - Policy Section

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### **6.1 LIABILITY PREVENTION: THREATS OF VIOLENCE**

*Sheriff's Department Deputies shall make appropriate notifications(s) when learning of threats made toward any person. (03-21-12)*

### **6.2 JUVENILE PROCEDURES**

This Department shall conduct an in-depth investigation on any criminal case involving a person under the age of eighteen years of age, whether that person is a victim or a suspect. Departmental personnel WILL ensure that appropriate action is taken in response to all delinquent and pre-delinquent behavior, and that all investigative procedures are consistently applied. (Reviewed 04-18-2024)

### **6.3 JUVENILE DETENTION PROCEDURES**

It is the policy of this Department to treat all juveniles in custody in accordance with the laws that protect them while being detained in any Sheriff's facility. Department personnel will maintain a safe environment and protect all juveniles while being held in temporary custody. (08-16-12)

### **6.4 Military Equipment Use**

California Government Code sections 7070-7075 require all law enforcement agencies to obtain approval of their applicable governing body, by an ordinance adopting a Military Equipment Use Policy, prior to engaging in specific conduct involving military equipment. The San Diego County Board of Supervisors serves as the Sheriff's Department's governing body. Military equipment is defined in Government Code sections 7070(c)(1) - 7070(c)(16).

It is the policy of the San Diego Sheriff's Department to ensure we provide adequate public safety services in a transparent manner, including the purchase and use of military equipment. Decisions regarding the use, procurement and funding of military equipment should take into consideration the public's welfare, safety, civil rights and allow for public input.

The Department should make the following considerations before seeking authorization for or purchasing military equipment:

- The equipment is necessary because there is no reasonable alternative that could provide the same objective of deputy and civilian safety.
- The equipment is reasonably cost effective compared to alternatives that can achieve the same objectives of deputy and civilian safety.

Military equipment use, funding, and acquisition will comply with the Military Equipment Use Policy approved by the Board of Supervisors. (05-12-22)

## **SECTION 6 Operations**

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## San Diego County Sheriff's Department - Policy Section

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### 6.5 UNUSUAL INCIDENT, DEATH AND SERIOUS INJURY NOTIFICATION

The Communications Center Watch Commander will ensure that the affected captain or station/facility commander is notified in the event of an unusual or major incident. It shall be the responsibility of that affected captain or station/facility commander to notify the Commander(s), Assistant Sheriff(s), Undersheriff and Sheriff as deemed necessary. (02-25-20)

### 6.6 MARIJUANA CITATION PROGRAM

(Deleted on 2-16-17, due to California Proposition 64)

### 6.7 EXPLOSIVES - BLASTING CAPS/HIGH EXPLOSIVES

*All recovered explosives and blasting caps shall be confiscated and disposed of by the Bomb/Arson Unit in a safe manner according to prescribed law. (Reviewed 04-18-2024)*

### 6.8 FIRE/ARSON INVESTIGATIONS

This Department shall investigate all suspicious fires and fires causing death or serious injury. The goals of the investigation will be to determine the origin and cause of the fire, and to attempt to locate, arrest, and prosecute any suspects responsible for fire related crimes. The Sheriff's Bomb/Arson Supervisor may dispatch Bomb/Arson detectives to assist fire investigators from other agencies. (04-18-2024)

### 6.9 BOMB THREAT INVESTIGATIONS

A deputy will be dispatched to all reported bomb threats. The Bomb/Arson Supervisor or designee will be notified of all reported bomb threats. The search and/or evacuation of an area or building is generally at the direction of the authority over that premises. If a device is located, Bomb/Arson personnel will respond and release the area once the suspected device is rendered safe. If an explosion has occurred, secure the area and notify Bomb/Arson. (04-18-2024)

### 6.10-Fentanyl and Other Dangerous Substances

There is a significant threat to law enforcement personnel and other first responders who may encounter fentanyl and other dangerous substances through routine law enforcement, emergency, or life-saving activities. Fentanyl and related substances are designed to be absorbed into the body by several means including through inhalation, the skin, and eyes. Exposure to a small amount of fentanyl can lead to significant complications, including respiratory failure and death. Fentanyl and other dangerous substances have been identified in several forms including powder (often resembling heroin and cocaine), pill, capsule, liquid, and blotter paper. (07-11-22)

## SECTION 6 Operations

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## San Diego County Sheriff's Department - Policy Section

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### 6.11 TIP SHEETS

Information received by members of this Department on matters under investigation or incidents being handled by other law enforcement or criminal justice agencies, shall be accurately recorded and referred, in a timely manner, to the appropriate agency, unit or individual. (09-08-97) (Reviewed 4-11-2011)

### 6.12 TRANSPORTING PRISONERS OF THE OPPOSITE SEX

All personnel transporting prisoners or patients of the opposite sex in County equipment and/or on County business shall use the "Time and Mileage" Procedure. (08-03-16)

### 6.13 INMATE INTAKE FORM

Inmates booked into the Sheriff's detention system must be accompanied by a completed Inmate Intake Form. This form is to be given to the receiving Sheriff's personnel and reviewed for completeness/correctness prior to the Sheriff accepting custody of the inmate. (06-01-98)

### 6.14 ARRAIGNING PERSONS ARRESTED WITHOUT A WARRANT

Each member of this Department shall strictly observe the provision of Section 825 PC relative to a defendant being taken to court "without unnecessary delay" and the prisoner's right to a visit by an attorney. (09-01-09) (Reviewed 4-11-2011)

### 6.15 PERMISSIVE RELEASE OF MISDEMEANOR ARRESTS

This order sets forth policy and establishes procedures for the permissive release of misdemeanor prisoners, pursuant to Section 849b and 853.6 of the Penal Code. It is divided as follows:

Policy for Release with No Further Proceedings (647(f) P.C. - Drunk only)

Policy for Release on Promise to Appear

Arresting Officer's Responsibilities (06-18-13)

### 6.16 GUIDELINES FOR HANDLING LEGAL PAPERS

Text deleted. Please see Section 6.124.

### 6.17 CHILD ABUSE POLICY

All members of this Department are responsible for reporting all suspected child abuse, whether neglect, physical abuse, or sexual molest to Child Welfare Services and the Sheriff's Child Abuse Unit. (03-13-14)

## SECTION 6 Operations

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### **6.19 ELDER AND DEPENDENT ABUSE**

All members of this Department are responsible for reporting elder and dependent adult abuse to Adult Protective Services and the Elder Abuse Unit and when mandated to the appropriate regulating state agency.

Additional information may be found in the Field Operations Manual Section 44. (01-4-21)

### **6.20 USE OF ASSET FORFEITURE FUNDS**

The Sheriff's Asset Seizure Funds may be used for Community-based programs that support, and are consistent with, the Sheriff's law enforcement efforts, policies, and initiatives. (06-06-14)

### **6.21 AUTOMATION: DEPARTMENTAL SYSTEMS**

The Department shall establish and maintain an Information Technology Policies and Priorities Committee to consist of the Director of Technical Services as chairperson, and representatives from each Bureau. Technical staff support will be provided by the Data Services Division. (10-30-98) (Reviewed 4-11-2011)

### **6.22 VICTIM ASSISTANCE PROGRAM**

The Sheriff's Department will maintain the State of California's Victim Assistance objectives by assisting qualifying crime victims in their recovery. A copy of all Case Reports where a victim is listed, shall be forwarded to the District Attorney's Victim/Witness Assistance Program, by designated station/substation personnel, in accordance with procedure set forth by the District Attorney's Office. (10-07-09) (Reviewed 4-11-2011)

### **6.23 RIDE-ALONG PROGRAM**

This program shall be limited to Department personnel who can benefit from a practical, on-scene orientation of patrol procedures and practices utilized by personnel of this Department.

Ride-alongs for non-department personnel shall be approved on a case-by-case basis by the station or substation commander. (Reviewed 4-11-2011)

### **6.24 LAW ENFORCEMENT DATA BASE USE AND CRIMINAL RECORD DISSEMINATION**

All current and future employees having access to the following computerized information systems shall participate in the state mandated Telecommunications Training Class: CLETS,

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## **San Diego County Sheriff's Department - Policy Section**

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NCIC, DMV, CORI, local computer systems including county and city data bases. Training must be completed within six months of hire date. State mandated biannual refresher training must also be completed and recorded for Department of Justice (DOJ) inspection.

In accordance with state law, all employees of the Sheriff's Department who have access to these information systems shall be required to submit to a background record check prior to hire date.

All employees of the Department needing access to CLETS/NCIC shall be required to sign the Department Confidential Admonishment Form (Com 10). (04-16-20)

### **6.25 LICENSING HEARING OFFICERS**

The Sheriff's Department shall comply with Section 21.110 of the San Diego County Uniform Licensing Procedure by assigning hearing officers, in a timely manner, to preside at administrative appeals of the denial, suspension or revocation of licenses and/or permits issued by the License Division. (10-30-98)

### **6.26 FEES FOR DOCUMENTS & SERVICES**

The Sheriff's Department will charge a fee for documents and services as outlined in the San Diego County Administrative Code and Code of Regulatory Ordinances. No fee will be charged to government or law enforcement agencies for one set of fingerprint cards or for copies of incident/arrest reports. No fee will be charged to victims for the first copy of a crime report. No fee will be charged to involved parties for the first copy of a collision report/investigation. (08-05-11)

### **6.27 APPLICATION FOR LICENSE AND PERMITS**

The Sheriff's Department shall process applications, and issue licenses and permits which are designated by the San Diego County Uniform Licensing Procedure. (02-20-20)

### **6.28 REPORTING MISSING, DAMAGED OR STOLEN COUNTY PROPERTY**

Sheriff's employees shall frequently check assigned/issued equipment and report all missing, damaged or stolen articles immediately. (11-15-13)

### **6.29 PROPERTY CONTROL SYSTEM**

All property/evidence of any kind acquired by any member of the Sheriff's Department shall be entered into the Property Control System. Under no circumstances shall any property/evidence be disposed of at any Sheriff's facility (station, substation, office or detention facility) without the expressed permission of the Property/Evidence Manager. (Reviewed 02-08-2011)

### **6.30 LABOR DISPUTES**

The Sheriff's Department shall maintain neutrality in a labor dispute. A dispute shall be presumed to be lawful unless information is received to the contrary from a court of competent authority. The role of law enforcement shall be to protect life, property and maintain order. (10-30-98) (Reviewed 4-11-2011)

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### **6.31 COMMUNITY ORIENTED POLICING AND PROBLEM SOLVING**

COPPS is not a short term program, but a philosophy; a commitment to a way of doing business that includes every employee, in every facet of our operation. Further, it is recognized that no law enforcement agency, by itself, can resolve all crime, social disorder, and other quality of life issues in its jurisdiction.

COPPS involves the identification of various resources, and the development of partnerships within the community, and/or with other agencies, groups and individuals. It uses a systematic approach to solving problems; the SARA model (Scanning, Analysis, Response, and Assessment), which can be used to deal with any issue that affects this organization.

All personnel trained in the concept of Community Oriented Policing and Problem Solving (COPPS) shall apply the strategies and processes of this philosophy where applicable. (10-01-08) (Reviewed 4-11-2011)

### **6.32 PERSONS WITH MENTAL ILLNESS**

Upon determining an individual requires an evaluation for a 72-hour hold pursuant to 5150 of the Welfare and Institutions Code, the required documentation will be completed and the individual will be transported to the appropriate mental health facility. (Reviewed 04-18-2024)

### **6.33 MAJOR CRIMES, PRIMARY RESPONDERS**

*Department personnel involved in the investigation of any major crime shall ensure human safety and secure all evidence and information.* (09-15-98) (Reviewed 4-11-2011)

### **6.34 ESTABLISHING TOWING SERVICES**

The Sheriff's Department shall annually create tow service rotation lists for all law enforcement commands based on the outcome of the tow service agreement application and permit process. Station Commanders may recommend the waiver of non-public safety elements of the tow service agreement and will submit a recommended acceptance list of tow operators. Final approval of waivers and acceptance shall rest with the affected Law Enforcement Operations Commander. The administration of the tow service agreement will be coordinated by the LES Operations Support Lieutenant. (05-12-22)

### **6.35 PRIVATE AIRPLANE FLIGHTS**

All employees shall obtain written permission from their Bureau Commander or above prior to flying in a private aircraft while on duty. Flights aboard planes operated by the Sheriff's Aero Squadron shall be approved by the ASTREA Sergeant or Lieutenant. (10-30-98) (Reviewed 4-11-2011)

### **6.36 IMPOUNDED/STORED VEHICLE REPORTING**

Whenever a vehicle (this term includes aircraft, boats, and utility trailers) is removed and stored from a highway, or from public or private property by members of this Department, a notice of storage stating the removal, the

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authority and the location of the storage yard shall be mailed to the registered and legal owners within two business days, with a copy sent to the tow yard.

This policy shall not be applicable when vehicles are impounded and stored under authority of civil process. (08-28-18)

### 6.37 TOWING POLICY

When vehicles are towed and/or stored, the removal shall be in compliance with Vehicle Code 22651 or other lawful authority. Under no circumstances shall the act of towing and/or storing of a vehicle be used as a means of punishment against any citizen. All stored or impounded vehicles shall be inventoried prior to removal by a tow company. (08-28-18)

### 6.38 SPECIAL ENFORCEMENT DETAIL (S.E.D.)

It is the responsibility of the Special Enforcement Detail to provide a variety of support services and emergency resources to the Department, and other public safety agencies. (11-22-19)

### 6.39 DEATH SCENES

A person who has died from any of the causes or under any circumstances described in Section 27491 of the Government Code, shall not be disturbed or removed without prior permission of the Medical Examiner or his/her appointed Deputy.

Deputies investigating cases where the decedent is found to be a citizen of a foreign country will also report the death to the Criminal Intelligence Unit's International Liaisons. The liaisons will in-turn notify the respective consular post as outlined within Article 37 of the Vienna Convention on Consular Relations. (04-21-22)

### 6.41 HANDLING REPORTED CRIMES OCCURRING AT COUNTY ADULT INSTITUTIONS (HONOR CAMPS)

Text deleted 04-30-01

### 6.42 DIPLOMATIC IMMUNITY

Diplomatic Officers will be treated with courtesy and respect. They will be afforded all of the rights, privileges, and immunities provided by international law and federal statute. (10-30-98)

### 6.43 VEHICLE PURSUIT

*Vehicle pursuits may be initiated, and shall be continued only when Departmental personnel are in compliance with all accompanying Sheriff's pursuit procedures, and while in strict compliance to California Vehicle Code sections 21055 and 21056. Departmental personnel shall conduct all post-pursuit activity within guidelines contained in Sheriff's pursuit procedures and Addendum Section F. (05-12-22)*

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### **6.45 DRUNK IN PUBLIC ARRESTS: INEBRIATE RECEPTION CENTER**

Text deleted 06-30-06

### **6.46 GUARDING HOSPITALIZED INMATES**

When an arrested prisoner is admitted to a hospital, before being booked, the arresting agency shall be responsible for providing security for that person. Inmates in the custody of the Sheriff will be reviewed by the Watch Commander and guard assignments will be based on the inmate's security and custody level. (11-23-04) (Reviewed 4-11-2011)

### **6.47 IMMIGRATION LAWS: ENFORCEMENT**

The primary responsibility for the enforcement of immigration laws rests with federal authorities. The Sheriff's Department has a responsibility to guarantee the safety and well-being of all people living or residing within this County. The scope of this responsibility is to ensure the safety and well-being of all residents and visitors of this County, regardless of their residency or immigration status.

It is the policy of this Department to protect the public from crime and violence by encouraging all persons who are victims of or witnesses to crimes, or who otherwise can give evidence in a criminal investigation, to cooperate with the criminal justice system and not to penalize these persons for being victims or for cooperating with the criminal justice system. (02-20-20)

### **6.48 PHYSICAL FORCE**

It shall be the policy of this Department whenever any Deputy Sheriff of this Department, while in the performance of his/her official law enforcement duties, deems it necessary to utilize any degree of physical force shall only be that which the Deputy Sheriff believes necessary and objectively reasonable to effect the arrest, prevent escape or overcome resistance (per 835(a) PC). Deputies shall utilize appropriate control techniques or tactics which employ maximum effectiveness with minimum force to effectively terminate, or afford the Deputy control of, the confrontation incident. (Reviewed 3-21-2012)

### **6.49 PUBLIC REGISTRATION OF CONCEALABLE FIREARMS**

All calls regarding voluntary registration of firearms will be referred to DOJ or the License Division. (10-30-98) (Reviewed 4-11-2011)

### **6.50 MILITARY PERSONNEL APPREHENSION**

It is the role of Deputy Sheriffs to preserve the peace during the apprehension of military personnel. The civil statutory authority of the Sheriff's Department WILL NOT be utilized to expedite the entry of military authorities into an A.W.O.L. person's residence, or in apprehension. (Reviewed 4-11-2011)

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### 6.51 CONCEALABLE WEAPONS LICENSE PROVISIONS

The Sheriff may issue concealed weapon licenses to law abiding residents of San Diego County who are in compliance with the provisions of Penal Code Section 26150 (a) and (b). Summarized provisions of 26150. (a) and (b) shall be provided to all persons applying for a permit. (01-4-21)

### 6.52 WARRANTS OF ARREST

The Court Services Bureau has the primary responsibility for processing warrants of arrest generated by the San Diego County Courts. Members of this Department will follow the procedures set forth in this manual when executing any warrant of arrest obtained from any San Diego County Court. (09-29-11)

### 6.54 CLAIMS PROCEDURES

Sheriff's Department personnel shall make the appropriate referrals when contacted regarding a claim against the Department. All claims against the Department will be investigated as appropriate. (10-10-07)

### 6.55 PROTECTIVE ORDERS

*Personnel will thoroughly investigate reports of violations of court issued protective orders concerning domestic violence or other civil or criminal disturbances. Emphasis will be placed on strict enforcement of these laws to ensure the victim's safety as well as compliance with the law. (Reviewed 06-06-14)*

### 6.56 INTRA DEPARTMENTAL OPERATIONS: COMMAND PROTOCOL

When the needs of an operation require personnel from different commands to function as a single unit with a common goal, the Incident Command System will be used. (09-15-98) (Reviewed 4-11-2011)

### 6.57 MISSING PERSON REPORTING POLICY

*Sheriff's personnel will accept without delay and give priority to, any report of a missing person. (Reviewed 04-28-2024)*

### 6.58 PRISONER ESCAPES

*Whenever an in-custody subject escapes from any Sheriff's Department detention facility, any Probation Department Adult Institutions detention facility, any hospital where he or she was placed for examination or treatment, any Work Furlough Center or Work Furlough Program, or from any detention transportation unit, a report shall be made to the Sheriff's Department's Communications Center immediately. (06-21-13)*

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### **6.59 NOTIFICATION OF A MODIFICATION OF CHARGES**

In order to modify charges against an inmate, all officers shall provide written notification to the Sheriff's detention facility. (09-15-98)

### **6.60 POST-SEIZURE HEARINGS**

Whenever a vehicle is stored by a member of this Department, the Department shall, upon demand, provide a prompt, fair hearing to determine the validity of storing a vehicle as required by Section 22852 VC. (05-12-22)

### **6.61 HOMICIDE UNIT CASE RESPONSIBILITY**

The Homicide Unit shall investigate homicides and other investigations defined by Procedure Section 6.61. All members of the Department shall promptly notify the Homicide Unit of homicides and investigations defined in Procedure Section 6.61. (Reviewed 04-28-2024)

### **6.62 INFORMANT GUIDELINES**

Informants are valuable assets of the Sheriff's Department and as such must be judiciously established, monitored and controlled. (09-23-21)

### **6.63 NUISANCE/FALSE ALARMS**

The License Division has the responsibility for the monitoring and recording of nuisance alarms and the administration and enforcement of the provisions of the County's Alarm Ordinance. (02-12-13)

### **6.64 UNDERWATER SEARCH AND RECOVERY UNIT**

The Underwater Search and Recovery Unit will provide their services to the Department or other law enforcement agencies upon request. These services shall be restricted to water related areas of the County and will include the following duties:

- Body recoveries
- Search and recovery of criminal evidence
- Search and recovery of lost or stolen property

Underwater surveys of possible hazards in public aquatic areas to prevent loss of life or property. (4-11-07)

### **6.66 CHEMICAL AGENTS POLICY**

*Non-lethal chemical agents may be used to accomplish any of the following objectives:*

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*To reduce violence, minimize property damage and protect the public.*

*To disperse individuals during riots or incidents of civil disobedience.*

*To incapacitate a suspect who is endangering life or property.*

*To apprehend suspects who refuse to submit to arrest.*

*Possession and utilization of any chemical agent by any member of this Department will be in accordance with the procedures established in this policy. (11-22-19)*

### **6.67 FORCED BLOOD DRAWS IN SPECIFIC INTENT CRIMES**

In specific intent crimes, if a blood sample is needed for valid evidentiary reasons and the suspect refuses to voluntarily provide a chemical sample, a blood sample may be taken in a medically approved manner against the suspect's wishes.

Absent articulable exigent circumstances or a valid 4<sup>th</sup> waiver, in all 11550 H&S., 647(f) (drugs) P.C. and Driving Under the Influence (D.U.I.) arrests, deputies will attempt to get voluntary chemical samples from the arrested suspect. If the suspect will not voluntarily provide a sample, then a blood sample will be taken from the suspect in a medically approved manner. A search warrant is required prior to obtaining a forced blood draw. (03-05-14)

### **6.68 CAPITAL (FIXED) ASSETS AND MINOR EQUIPMENT**

The Sheriff is responsible for all capital (fixed) assets and minor equipment, assigned and used by the Sheriff's Department. The Sheriff has delegated to the Chief Finance Officer the responsibility of accounting and controlling capital (fixed) assets and minor equipment. Records regarding assets and equipment are to be properly maintained for review by the County Auditor. The Financial Services Division is responsible for maintaining and controlling the inventory listing of all assets and equipment in the possession of the Sheriff's Department.

Facility Commanders and/or Managers of the operating units are responsible for the maintenance and inventorying of all assets and equipment under their control. Furthermore, Facility Commanders and/or Managers are responsible for adhering to sound principles for accountability, and inventorying assets and equipment for their operating units. Stored items shall be maintained in a state of operational readiness. All assets and equipment must display a property control number, and be assigned to a property manager within the operating unit for custody. (Revised 01-09-19)

### **6.69 PETTY CASH FUND**

A petty cash fund shall be established by operating units. The Sheriff or designee will determine the amount of the petty cash accounts. (07-23-12)

### **6.70 BOAT/BEACH INCIDENTS**

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The Sheriff is responsible and shall provide safekeeping for all property, assist and aid all persons on board, or assist owners of beached boats and other property beached within San Diego County. (06-12-98)

### 6.71 CRIME CASE REPORTS

Crime Reports and Incident Reports require a Crime/Incident Report Form, so that all pertinent information, not included in arrest reports, may be captured.

Courtesy Reports should be written for other agencies and Sheriff's stations when it would be impractical for the victim to return to the jurisdiction or location where the incident occurred. (05-31-13)

### 6.72 SHERIFF'S EMPLOYEE ID NUMBER

Employees of this Department, when writing reports, will identify themselves by using their assigned ARJIS personnel number and signature on all reports. (10-01-98)

### 6.73 PERSONNEL ID PROGRAM

No person shall be allowed beyond the public area of any Sheriff's facility without continually displaying proper, accepted, visible identification. (07-31-98)

### 6.75 POLITICAL ASYLUM

Any deputy approached by a foreign national who requests political asylum shall render immediate assistance to the individual. (Reviewed 10-01-08)

### 6.76 CITATION AMENDMENT AND DISMISSAL

Once a citation has been issued, it can only be dismissed in accordance with 853.6 P.C. (Notice to Appear) or 40202 V.C. (parking citation).

No member of this Department shall alter, conceal, modify, nullify, or destroy any copy of the citation before it is filed with the court or processing agency.

Citations which are voided prior to issuance shall be processed according to Departmental procedures so that it is clear why the citation was voided and by whom. All citations, issued or not, must be accounted for. (05-12-22)

### 6.78 STRANDED MOTORIST ASSISTANCE

*Sworn members of this Department while operating Sheriff's radio equipped vehicles will, whenever possible and can be done safely, provide assistance to stranded motorists as indicated by the nature of the incident. Any assistance so provided will be accomplished so as to assist the motorist in a safe and timely manner. (10-30-98)*

### 6.83 RECORDS MAINTENANCE BY OPERATIONAL UNITS

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The Custodian of Records for the Department shall be responsible for specifying the types of original records to be maintained in the Records & ID Division and those that may/shall be retained at an operational level. (02-12-13)

### **6.88 SPECIAL INVESTIGATIONS CRIMINAL REPORTING**

It is the responsibility of each member of the Sheriff's Department to enforce and investigate all criminal activity including vice, narcotic and organized crimes, the Special Investigations Division is specifically established to respond to this type of criminal activity. The division is attached to the Law Enforcement Bureau. (Revised 01-18-19)

### **6.90 VOLUNTEER PATROL PROGRAM**

The Sheriff's Department will actively and enthusiastically enlist the aid and support of senior citizens in the furtherance of the Department's mission. The use of a volunteer patrol force to augment and assist Department personnel is in keeping with this policy. (10-01-98)

### **6.91 CRIME PREVENTION PROGRAM**

To operate efficiently and effectively, the Sheriff's Department promotes the support, confidence and understanding of our communities. Crime Prevention personnel shall develop and maintain programs which educate citizens in the most current methods of deterring or preventing crime in their communities. Crime Prevention Unit personnel shall also establish and maintain a close liaison with Patrol, Detective, and Community Oriented Policing personnel as well as the community to identify and assist in any crime or community crime prevention related problems. (10-30-98)

### **6.94 SERIOUS HABITUAL JUVENILE OFFENDERS**

Text deleted 10-01-08

### **6.95 CRIMINAL CASE REJECTIONS: REVIEW PROCEDURE**

Each Sheriff's command submitting cases to the District Attorney, or a City Attorney, for issuance of a criminal case will establish a system for review of cases that are rejected. (10-01-08)

### **6.96 EMERGENCY NOTIFICATION OF NEXT OF KIN**

Except when requested by an outside agency, members of this Department will not make notifications to next-of-kin in situations where a person is deceased, seriously injured or seriously ill.

Notifications will generally be made by other parties as set forth in the procedure section. (07-31-98)

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### 6.97 DOMESTIC VIOLENCE INCIDENTS

All personnel responding to calls where the potential for domestic violence exists shall treat these calls as any other call for service where a law violation exists.

A pro-arrest response and investigation of domestic violence related incidents will be handled in accordance with Domestic Violence Reporting laws and the San Diego County Domestic Violence Protocol. (Reviewed 12-30-13) Copies of the Protocol may be found in the Patrol, Detective and Detentions Operational Manuals.

### 6.98 RESERVE DEPUTY DEPLOYMENT

The primary responsibility of Sheriff's Department personnel is protection of life and property. The Reserve Deputy's primary function is to assist the Department towards that end.

When on duty, a San Diego County Reserve Deputy has full peace officer authority. As such, it is the policy of this Department to deploy a Reserve Deputy within the parameters of his/her individual experience, training and authority. (01-04-21)

### 6.99 DISPLAY OF FLAGS

The flags of the United States and the State of California shall be displayed prominently outside of the Department headquarters and at each facility controlled by the Sheriff's Department. (07-31-98)

### 6.100 BLOODBORNE PATHOGEN EXPOSURE/CONTROL

*The Sheriff's Department will comply with federal and state statutes applicable to potentially infectious materials, unless such actions represent a further hazard to any person.*

*All personnel who can reasonably anticipate being in eye, mouth, mucous membrane, skin, or open wound contact with blood or other potentially infectious materials that may result from the performance of an employee's duties shall receive training and education in the medically approved methods of protecting themselves and handling these materials. The Sheriff's Department will provide the training, equipment, and vaccinations to accomplish this compliance and protection. (09-28-20)*

### 6.101 HATE CRIMES

The proper reporting, investigation, and enforcement of crimes based on racial, religious, ethnic, gender or sexual orientation incidents is the responsibility of all sworn members of the Sheriff's Department.

#### DEFINITION

Hate or Bias Crime:

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"Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the state of California whether or not performed under color of law."

Bias:

A preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, or sexual orientation. (07-31-98) Copies of Use of Force Protocol may also be found in Patrol, Detective and Detentions Operational Manuals.

### **6.104 CONTROLLED TIRE DEFLATION DEVICE DEPLOYMENT**

*Controlled tire deflation devices are authorized for use according to the written procedures listed in this manual. Deputies may elect to deploy the device, with the approval of a field supervisor or Communications Center Lieutenant, when they believe its use will contribute to the safe conclusion of a pursuit. Once authorized to deploy the device, the deputy retains the authority to NOT deploy it or discontinue its use.*

### **6.105 AUDIO/VIDEO RECORDER USE REQUIREMENTS**

With the advances in technology, Department employees have greater access to audio/video equipment. The Department supports the use of such equipment however the equipment must be used in an ethical and responsible manner.

All personnel using any audio/video equipment, (e.g Apple iOS devices, all cellular phones, Smartphones, and other wireless electronic devices, pen camera, digital recorder, video recorder) to record conversations or contacts with the public shall adhere to all applicable privacy statutes, case law, legal updates, Department training and procedures. (04-21-15)

### **6.106 RELEASE OF NARCOTICS FROM SHERIFF'S EVIDENCE FOR TRAINING**

The Sheriff's Department may provide samples of narcotics for the purpose of law enforcement training as authorized by Section 11367.5 of the Health and Safety Code. Issuance of these training aids shall be regulated and controlled in accordance with guidelines set forth in this policy. (04-06-10)

### **6.107 CITIZENS' LAW ENFORCEMENT REVIEW BOARD (CLERB)**

All station/facility/division/bureau commands shall respond to requests for information from the Citizens' Law Enforcement Review Board (CLERB) by referring those requests to the Division of Inspectional Services (DIS) in the Office of the Sheriff. All policy recommendations and findings from CLERB will be reviewed, disseminated and responded to through DIS. (04-21-22)

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### 6.108 COUNTY CREDIT CARD/PROCUREMENT CARD (P-CARD) USAGE

Sheriff's Department personnel shall utilize the county credit card in accordance with established county procedures and to maintain security on the credit card. (Reviewed 04-02-14)

### 6.109 REFRESHMENTS FOR FUNCTIONS AND EVENTS

Food for some Sheriff's Department functions, events may be provided by the Detentions Food Services Division. (08-28-02)

### 6.110 PRIVATE PERSON ARREST

If a private person has made an arrest or wants to make an arrest and requests that a deputy receive the arrestee, the deputy may accept custody if they are satisfied that the private person's arrestee committed the offense and the arrest is supported by probable cause. (09-01-09)

### 6.111 HIGH RISK ENTRIES

*The Special Enforcement Detail (S.E.D.) has the primary responsibility for the service of high risk warrants, as well as high risk entries associated with 4th waiver searches. The High Risk Entry Checklist shall be completed to determine the threat level before any entry is made pursuant to an arrest warrant, search warrant or 4th waiver search. (11-06-14)*

### 6.112 FORCED BLOOD DRAWING

This Policy was combined with Policy 6.67 Forced Blood Draws in Specific Intent Crimes as of 7-9-2013.

### 6.113 PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT)

The Sheriff's Department is committed to providing a regional mobile response to the crisis needs of the mentally ill.

The Sheriff's Department will participate in a multi-disciplinary partnership to provide regional crisis mobile response for the mentally ill. This partnership will be identified as the Psychiatric Emergency Response Team (PERT). The PERT teams provide the most humane and appropriate dispositions for mentally disordered persons who have come to the attention of law enforcement. PERT teams will respond to any patrol units request for assistance when the unit is handling the mentally ill or individuals in crisis. PERT personnel will assess the situation, evaluate the individual(s) in question, and as appropriate, make referral(s) to community-based resources or treatment facilities. (01-04-21)

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### **6.114 HANDLING OF HAZARDOUS MATERIALS INCIDENT**

Any incidents of found hazardous materials will be reported to the County and City Hazardous Materials Management Unit. Deputies should be alert to the possibility of criminal violations relating to hazardous materials, and learn to recognize indicators that such a crime may have occurred. Deputies will report illegal drug related hazardous materials incidents to the San Diego County Narcotic Task Force. (01-04-21)

### **6.115 Dissemination of Information on Sex Registrants**

The Sheriff's Department Sex Offender Management Unit detectives work as part of the Sexual Assault Felony Enforcement (S.A.F.E.) Task Force. The task force monitors registered sex offenders and investigates crimes associated with sex offender's registration requirements. The Sheriff's Department wants to ensure the public has the information needed to protect themselves and their children from sex offenders. (01-4-21)

### **6.116 SEARCH WARRANT SERVICE**

All Sheriff's Department employees shall execute search warrants, parole and 4<sup>th</sup> waiver searches according to established rules of law and shall not willfully violate the constitutional rights of citizens. (09-23-21)

### **6.117 PRESERVING DIGITAL IMAGES**

Digital photographs intended for evidentiary use should be taken using a high-quality compressed JPEG format and preserved according to the established procedures.(2-21-13)

### **6.118 COMMUNITY EMERGENCY NOTIFICATION SYSTEM (CENS)**

It shall be the policy of the Sheriff's Department to evaluate the use of the Community Emergency Notification System (CENS) to make proactive notification to citizen's during incidents that may require evacuation, pose an imminent threat to life or property, disaster notifications, or a need to notify the public about emergency information. (05-16-07)

### **6.119 FOOT PURSUIT**

Foot pursuits are inherently dangerous and create safety and tactical issues. It is the policy of this Department that foot pursuits may be initiated and should be continued only when Department personnel have considered the issues raised by foot pursuits and the California Peace Officer Standards and Training Guidelines as described in the Department's Foot Pursuit Training Bulletin. (08-27-08)

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### **6.120 TARASOFF NOTIFICATIONS**

Tarasoff v. Regents of the University of California. The Department will investigate and document all notifications by licensed psychotherapists where a serious threat of violence has been made against another person by one of their patients as defined in Welfare and Institutions Code sections 8100-8105. The Department will adhere to required Department of Justice notification of a patient's mental health information as described in these Welfare and Institutions Code sections. (Reviewed 05-30-14)

### **6.121 PRESCRIPTION DRUG DROP-OFF PROGRAM**

All pharmaceutical controlled substances recovered/collected from the public, via the Prescription Drug Drop-off Program, shall be processed and disposed of by Sheriff's personnel in a safe manner and in accordance with prescribed law and evidence procedures. San Diego County Ordinance 442, adopted June 22, 2010, authorizes the Sheriff's Department to possess prescription medications for the primary purpose of destruction. (10-07-10)

### **6.122 ELECTRONIC EVIDENCE SEIZURE AND HANDLING**

All seized electronic devices, such as computers, smartphones, cellular phones, PDA's and digital cameras, as well as digital storage media, such as USB thumb drives, CD's, DVD's, external hard drives, etc., shall be processed in accordance with prescribed laws and established procedures. (08-15-19)

### **6.123 SUBPOENA ACCEPTANCE AND COMPLIANCE PROCEDURES**

**Procedure statement only**

### **6.124 GUIDELINES FOR HANDLING LEGAL PAPERS**

It is the responsibility of each individual in this Department, whether sworn or professional staff, to adhere to this procedure in a timely manner when served with any work-related legal document.

Documents that are specifically covered by this policy are those that are served on Department personnel in their official capacity for actions allegedly involving or occurring within the course and scope of their employment. This policy does not apply to procedures for handling any legal actions in which employees are involved as private citizens, either as parties or witnesses (such as wills or dissolutions). All questions regarding the following procedure should be directed to Sheriff's Legal Affairs. (09-29-11)

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### 6.125 SEXUAL ASSAULT

All victims of Sexual Assault shall be notified of their right to request their name not become part of public record pursuant to California Government Code section 6254. These rights are outlined in 293 P.C. and apply to the following sections: 220, 261, 261.5, 262, 264, 264.1, 286, 288, 288a and 289.

In addition, all sworn members of this Department are responsible for providing a SART examination for all adult victims who wish to have physical evidence collected pursuant to a sexual assault incident, but do not wish to have law enforcement investigate the incident. The cost of the examination shall be charged to the law enforcement agency from the jurisdiction in which the alleged offense was committed pursuant to California Penal Code Section 13823.95. (03-21-12)

### 6.126 LACTATION POLICY

The Department will adhere to all laws governing a woman's right to breastfeed in public as well as an employee's right to express breastmilk while at work. (11-15-13)

### 6.127 PRISON RAPE ELIMINATION ACT

The Department shall comply with The Prison Rape Elimination Act (PREA) of 2003 by establishing a zero-tolerance standard for all forms of Sexual misconduct in detention facilities, patrol station lockups, holding cells or courthouses. Sexual misconduct includes but not limited to sexual abuse and sexual harassment between detainees/inmates, volunteers, contractors, Sheriff's employee or any outside source. (04-21-22)

### 6.128 USE OF NALOXONE

#### Purpose

To establish guidelines and regulations governing the utilization of nasal Naloxone by the San Diego County Sheriff's Department. The objective is to reduce the number of fatal opiate overdoses.

#### Policy

It is the policy of the San Diego County Sheriff's Department that Sheriff's employees are required to be trained in the use of the Naloxone. The San Diego County Emergency Medical Services Director and/or the Sheriff's Chief Medical Officer will authorize Sheriff's employees to possess and administer Naloxone. Sheriff's employees must receive Naloxone training before they possess and administer Naloxone. (07-06-21)

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**6.129 OBTAINING INFORMATION  
POSSESSED BY TRIBAL  
GOVERNMENTS OR CONDUCTING  
OPERATIONS ON TRIBAL LAND**

Any deputy seeking to obtain information or conduct law enforcement/investigative activity (i.e. search warrant service, arrest warrant service, probation checks, surveillance, etc.) on tribal lands shall contact the Sheriff's employee designated as the Tribal Liaison for the Sheriff's station or substation of jurisdiction prior to such activity. (12-15-15)

**6.130 LICENSE PLATE  
RECOGNITION**

It is the policy of this Department, as it relates to Automated License Plate Readers (ALPR), that the Sheriff's Department will maintain reasonable security procedures and practices including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure. Additionally, the Department will maintain procedures that ensure that the access, use, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. (8-15-2019)

**6.131 BODY WORN  
CAMERA**

The San Diego County Sheriff's Department authorizes the use of Body Worn Camera (BWC) technology, with the goal of providing an additional layer of documentation for events, actions, conditions and statements made during critical incidents and to improve reports, collection of evidence and testimony in court. The use of the BWC technology is meant to assist and compliment Deputy Sheriff's and Community Services Officers in the performance of their duties and is not meant to replace or relieve the Deputy or Community Services Officer of his/her responsibility of submitting any and all required written reports.

All audio, images and media associated with the BWC are the property of the San Diego County Sheriff's Department and will not be copied, released or disseminated in any form or manner outside the parameters of this policy without the express written release from the San Diego County Sheriff or his/her designee. Sheriff's Detectives assigned to conduct criminal investigations, creating a secondary copy of a BWC recording subsequent to an official investigation, are exempt from the above. Under no circumstances will any employee of the San Diego County Sheriff's Department make a personal copy of any recorded event. (03-28-23)

**6.132 USE OF "SAN DIEGO COUNTY SHERIFF'S DEPARTMENT", BADGE OR INSIGNIA**

No individual, team, unit or division of the San Diego Sheriff's Department shall procure any merchandise which uses the Department's Badge or insignia or indicates a connection to the sheriff's Department without first obtaining prior approval from the Undersheriff and Sheriff. Members of this Department will follow the procedures set forth in this manual prior to developing, obtaining and distributing such merchandise. (Created 12-8-16)

**6.133 SEALING RECORDS PURSUANT TO 851.8 PC**

Per California Penal Code 851.8, the San Diego Sheriff's Department may receive petitions from a named adult defendant to seal all reports related to arrests in which no accusatory plea was filed. Per the Department of Justice (DOJ), as noted on DOJ form BCIA8270, the arrested person is required to petition the law enforcement agency having jurisdiction over the offense as well as submit a copy of the petition to the county or city prosecuting attorney. The named defendant must submit a separate petition for each arrest. Sheriff Records and Identification Division shall process all completed petitions as mandated by law. (Created 12-8-16)

**6.134 Family Liaison Officer Program**

The San Diego Sheriff's Department treats the family of a subject who has died in a critical incident which involved deputies or in the custody of the Sheriff's Department with the utmost compassion and sincerity.

To provide this level of service, the department has established the Family Liaison Officer Program. The goal of the program is to deploy a team of specially trained Family Liaison Officers to effectively communicate with the family of the involved subject during an exceptionally difficult and emotionally charged time.

The Family Liaison Officers will work closely with family members in an empathetic manner and offer resources and services to assist them through the grieving process. The Family Liaison Officers will be an on-going departmental point of contact for the family, answer questions, and follow up on requests for assistance. (04-21-22)

**6.135 Unmanned Aircraft Systems (UAS) Unit**

The UASU provides UAS support to various units across the Sheriff's Department. Services provided include major crime scene aerial photography, public safety missions, and search and rescue missions. (01-06-20)

**6.136 Video Federation & Integration**

The Sheriff's Department recognizes the importance of the public's fundamental right to privacy, specifically as it relates to the use of video technology and its integration with law enforcement's duty to protect and provide safer communities. The use of any video federation and integration system is an important tool in combating crime and can serve as a force multiplier for law enforcement in densely populated areas, as well as vast rural communities. The use of a video integration system in any public area must balance the need to protect the safety of our communities, while ensuring that the public's right to privacy is safeguarded. All employees who utilize or access the video integration system shall complete training on use of the system and the need to safeguard the privacy rights of the public. Additionally, all employees are responsible for knowing and complying with this policy and refer to the procedure section for further information on the subject. (07-06-20)

**6.137 Mobile Identification Device Use**

The purpose of this policy is to provide users a uniform guideline for using the handheld Mobile Identification Device (Mobile ID) to fingerprint an individual in the field and send the digitized fingerprint to be searched against several available databases. Deputies assigned the use of these devices shall adhere to the procedure section to maximize the effectiveness and utility of the Mobile ID Device. (03-24-21)

**6.138 Publicly Released Incident Briefs**

The San Diego County Sheriff's Department routinely releases information, records, and other forms of collected data to the public in compliance with applicable local, state, and federal law, as well as Department Policy and Procedure. However, the Department recognizes the public has a specific interest in expeditiously acquiring this information as the result of certain incidents. These incidents may include, but are not limited to, officer-involved shootings or a use-of-force resulting in death.

## **San Diego County Sheriff's Department - Policy Section**

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With that in mind, the Department has a process of releasing video from such incidents to bring transparency to the communities we serve in the County of San Diego. The released videos are intended to provide some context and give the viewer a snapshot of what happened without compromising the integrity of a criminal case. The Department's process of releasing information on such incidents can be found in the associated Procedure Section. (7-11-22)

### **6.139 PUBLIC ALERT SYSTEMS**

When applicable, Sheriff's personnel may utilize one of the following Public Alert Systems as it relates to missing persons.

- AMBER Alert
- BLUE Alert
- EBONY Alert
- FEATHER Alert
- SILVER Alert
- YELLOW Alert
- ENDANGERED MISSING Advisory

(04-18-2024)

## **San Diego County Sheriff's Department – Policy Section**

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### **7.1 800 MHZ RADIO SYSTEM USE**

The Sheriff's Department 800 MHZ radio system shall be utilized as indicated in this manual. (10-30-98)

### **7.2 TELEPHONE COMPANY SUBSCRIBER INFORMATION**

All requests to the telephone company for subscriber information must be in conjunction with a legitimate Sheriff's investigation. Release of this information to unauthorized persons is strictly forbidden. (Reviewed 10-01-08)

### **7.3 MEDIA/PUBLIC INFORMATION**

The Sheriff's Department shall provide factual, accurate and timely information to the news media/public in an impartial manner and in compliance with state/local laws and Department policy. (06-20-19)

### **7.4 CELLULAR PHONE/PAGERS/OTHER WIRELESS ELECTRONIC DEVICES**

The purpose of this policy is to define standards, and restrictions for users who have access to Department data from a mobile device.

This mobile device policy applies to, but is not limited to, Apple iOS devices, all cellular phones, smartphones, and other wireless electronic devices. This policy applies to any hardware and related software that could be used to access resources from outside of our network, even if said equipment is not sanctioned, owned, or supplied by the Department (e.g. Personal computer or laptop used to log in remotely).

This policy applies to everyone who utilizes Department-owned mobile device to access, store, back up, or relocate any organization or employee data. Such access to this confidential data is a privilege, not a right, and forms the basis of trust the Sheriff's Department has built with the public, employees, and other third parties.

The overriding goal of this policy is to protect the integrity of the private and confidential data that resides within technology infrastructure. This policy intends to prevent this data from being deliberately or inadvertently stored insecurely on a mobile device or carried over an insecure network where it can potentially be accessed by unsanctioned resources. A breach of this type could result in loss of information, damage to critical applications, sanctions from DOJ, and damage to our public image. Therefore, all users employing a mobile device connected to an unmanaged network outside of direct control to backup, store, and otherwise access internal data of any type must adhere to appropriate use as described within this policy and procedures.

Sheriff's Department employees shall only use Departmental Apple iOS devices, cellular phones, smartphones or other wireless electronic devices for official business and in accordance with the county policy contained in the Administrative Manual, Item 0400-07. Apple iOS devices, cellular phones, smart phones and other wireless electronic devices will only be issued to employees upon approval of the Bureau Commander or Executive Director.

## **SECTION 7 Communications**

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## **San Diego County Sheriff's Department – Policy Section**

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Personal phones and Departmental phones shall not be used while operating a County vehicle without an appropriate hands free device. Although 23123(d) V.C. exempts emergency services professionals, the department's position is not to allow cell phone use without a hands free device.

Other wireless electronic devices are defined as devices with integrated wireless broadband modems such as electronic tablets, computers, smartphones etc. (0428-14)

### **7.5 COMMUNICATIONS NEEDS**

All requests requiring technical advice, technical planning, or special installations of communications equipment shall be channeled through the Communications Coordinator assigned to the Sheriff's Communications Division.  
(06-15-15)

### **7.6 USE OF CLETS-NCIC- ARJIS AND LOCAL INFORMATION**

Only authorized Sheriff's Department personnel shall access Law Enforcement computer information. Information derived from this source shall only be used within the course of official duties as designated by the Sheriff's Department. (04-16-20)

### **7.7 CLETS/NCIC STOLEN VEHICLE INFORMATION**

It is the responsibility of each deputy to make certain that when a stolen and/or wanted vehicle has been located, or is no longer wanted, that the computerized cancellation message into CLETS includes the license number contained in the original message. This is essential for proper cancellation of information, both in the Department files and in the computer data bases.  
(07-31-98)

### **7.9 ACCEPTING COLLECT PHONE CALLS**

All collect telephone calls from anywhere in San Diego County will be accepted 24 hours a day, except calls for prisoners, non-essential jail information calls and "crank" type calls.

Collect calls from outside San Diego County will be accepted when they originate from a law enforcement agency, officer, or other official. Other collect calls from outside the County will be refused or referred to a supervisor. (10-30-98)

### **7.11 CRITICAL INCIDENT HOTLINE**

The Sheriff will provide direct and quick access to the Communications Center during critical incidents. The Communications Center has established a Critical Incident Hotline in order to meet the needs of the Critical Incident Commander when managing a command post or critical incident. (07-17-02)

## **SECTION 7 Communications**

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## **San Diego County Sheriff's Department – Policy Section**

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### **7.12 MOBILE DATA COMPUTERS**

Use of the Mobile Data Computers shall be used for official purposes only. All CAD and Mobile Data messages/communications shall be professional in nature, in compliance with Federal Communications Commission rules, and should never be an embarrassment to the Department or its employees. Personal communications, use of profanity, sexual, racial, degrading language, or other unprofessional use is prohibited. Employees shall have no expectation of privacy when using CAD or Mobile Data Computers and all messages and/or documents are property of the Department and subject to review by management.

Procedures as well as Rules and Regulations for the use of CAD and Mobile Data computers are outlined in the 800 MHZ Field Reference Guide. (10-30-98)

### **7.13 SHERIFF'S USE AND SUPPORT OF INFORMATION TECHNOLOGY**

Employees using department computer resources shall do so for official department business only. The Data Services Division (DSD) is responsible for providing assistance and support for the Sheriff's Department's information technology network. Employees are prohibited from installing any software/hardware onto their department computers without prior approval and assistance from DSD. (Reviewed 12-08-16)

### **7.14 SOCIAL MEDIA**

This policy defines the proper use and responsibilities for employees who may have the occasion to use social media sites under any of the following conditions:

- Official Department Presence on Social Media
- Use of social media for research or investigative purposes
- Personal use of social media while on and off duty

Employees are instructed to be sure that their use of social media complies with all laws and with other policies, particularly those relating to the dissemination of confidential information.

#### **DEFINITIONS**

Social Media includes, but is not limited to, Facebook, Twitter, LinkedIn, Nixle, Wikipedia, blogs, etc. (12-31-21)

## San Diego County Sheriff's Department - Policy Section

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### 8.1 USE OF FIREARMS/DEADLY FORCE

*It is the policy of the San Diego County Sheriff's Department that deputies shall use deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to either:*

- 1) *"defend against an imminent threat of death or serious bodily injury to the officer or to another person"; or*
- 2) *"apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended."* (12-31-21)

### 8.2 DISCHARGE OF FIREARMS

Deputies and authorized professional staff members shall exercise the utmost care in their handling and use of firearms while engaged in the performance of their duties and while exercising their option to carry a loaded and concealed weapon while off duty.

All incidents, on or off duty, where a firearm is discharged by a member of this Department, including the dispatching of animals, will be immediately reported to the Communications Center followed by an investigation. (07-11-22)

### 8.3 AUTHORIZED FIREARMS AND LESS LETHAL SYSTEMS

No deputy of the Sheriff's Department shall carry semi-automatic pistols, on or off duty, until they have received proper training, and have demonstrated skill in their use to the training staff of the Weapons Training Unit. (06-03-21)

### 8.4 FIREARMS: CARRYING ABOARD COMMERCIAL AIRCRAFT

Personnel required to carry a loaded firearm on-board any commercial aircraft must complete the Transportation Security Agency's (TSA) "Law Enforcement Officers Flying Armed" course prior to carrying loaded firearms on any commercial aircraft. This course satisfies the requirements of Title 49 CFR 1544.219 and Title 49 CFR 1544.221.

Sheriff's personnel shall restrict the carriage of weapons aboard commercial aircraft to those situations which require one to be armed in order to ensure the safe completion of an in-flight mission; i.e. the in-flight surveillance of a known or suspected felon, escort of an in-custody prisoner, etc.

Carriage - Means carrying a weapon on or about one's person. Weapons are not allowed aboard a commercial aircraft in "carry on" baggage.

## SECTION 8 Firearms

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## **San Diego County Sheriff's Department - Policy Section**

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In all other cases, Sheriff's personnel shall carry unloaded weapons in checked baggage. The bag containing the weapon must be of the hard side type, not the soft canvas type.

Never carry chemical weapons; i.e., mace, tear gas, vomit gas, etc. (06-03-21)

### **8.5 FIREARMS INSPECTION**

All sworn members of the Department are required to have all non-department issued weapons, that are carried on or off duty, inspected and approved by the Weapons Training Unit. This includes weapons used in non-uniform assignments. (06-03-21)

### **8.6 FIREARMS TRAINING**

All eligible staff will strictly adhere to all range procedures as outlined. (06-03-21)  
This policy was previously listed under Policy Section 10.7.

### **8.7 FIREARMS: DEPARTMENT QUALIFICATION SHOOTS**

All law enforcement, Detentions/Courts and Reserve Deputy Sheriffs below the rank of Commander, unless exempted by the Assistant Sheriff, Human Resource Services Bureaus, will participate and qualify at each firearms qualification as scheduled by the Weapons Training Unit (WTU). Commanders and those in appointive positions where a firearm is carried will participate at least once a year. (06-03-21)

### **8.8 DEPARTMENT- APPROVED FIREARMS, AMMUNITION AND GUN BELT LEATHER**

The Department shall establish the make, model, caliber of firearms, ammunition, and GUN BELT accessory items issued or approved for accomplishment of Departmental goals. Selection standards are based on Departmental requirements and extensive test data, taking into account the safety of the deputy and the safety of the general public. The Weapons Training Unit will be responsible for the issuing, inspecting and approval of firearms and ammunition. (06-03-21)

### **8.9 ARMORY OPERATIONS**

All weapons and serialized explosives issued will be the responsibility of the officer in charge of that Command. Inventory, maintenance, and reporting requirements may be delegated to an armory custodian. (06-03-21)

## **SECTION 8 Firearms**

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## San Diego County Sheriff's Department - Policy Section

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### **9.1 EMERGENCY OPERATIONS**

*Department personnel will operate in accordance with Annex C (Law Enforcement Mutual Aid Operations), of the County of San Diego Operational Area Emergency Plan, and this Department's Emergency Operations Manual (EOM) during emergency conditions.*

*This Department utilizes the Law Enforcement Incident Command System (LEICS) and the Standardized Emergency Management System (SEMS) to manage operations during emergencies. Operation specifics and callback policy are detailed in the Department's EOM. (07-06-20)*

### **9.3 CRISIS NEGOTIATIONS**

*The primary goal of a negotiator is the protection of human life. The Sheriff's Crisis Negotiations Team shall be called to assist the Department or other law enforcement agencies at critical incidents where personnel are not adequately equipped or trained for this specialty. (08-05-11)*

### **9.4 CRITICAL INCIDENTS: TACTICAL ASSISTANCE**

*The Special Enforcement Detail (S.E.D.) shall be called to provide tactical assistance, to the Department or other law enforcement agencies at critical incidents where patrol or jail personnel are not adequately equipped or trained to apprehend an armed and barricaded suspect. (07-06-20)*

### **9.6 ALTERING TELEPHONE COMMUNICATIONS - HOSTAGE/BARRICADED SITUATIONS**

Altering any telephone communications systems shall be restricted to hostage/barricaded situations. Incident Commanders shall ensure that the alteration of any existing telephone conditions is in compliance with Section 7907 of the Public Utilities Code. (07-06-20)

### **10.1 ORIENTATION PHASE TRAINING**

All Deputies assigned to the Detention, Courts and Law Enforcement Services Bureaus shall receive supervised orientation phase training as prescribed by state law and Departmental policies. (05-16-23)

### **10.2 FIRST AID AND CPR TRAINING**

All sworn personnel regardless of rank shall possess current First Aid and CPR cards. (Reviewed 02-26-14)

### **10.3 LINE-UP TRAINING**

All bureaus, divisions, and stations will conduct periodic training during shift briefings to insure that personnel are kept updated between formal in-service and specialized training sessions. (Reviewed 10-22-13)

### **10.4 SPECIALIZED TRAINING**

The Department will identify those specialized positions within the Department that require acquisition of particular skills and knowledge specific to those positions and the corresponding training requirements. (Reviewed 10-22-13)

### **10.5 TRAINING ATTENDANCE**

All personnel assigned to attend authorized training programs will be punctual, attend each session and remain until excused by the instructor. (Reviewed 10-22-13)

### **10.6 CONTINUED PROFESSIONAL TRAINING - SWORN**

All sworn personnel will participate in continuing professional training programs that reinforce their respective ranks and job assignments. (Reviewed 10-22-13)

### **10.7 FIREARMS TRAINING**

The Policy was moved and renumbered to section 8.6.

### **10.8 PROFESSIONAL STAFF TRAINING**

All professional staff employees will receive an orientation to the Department and San Diego County employment. They will be given on the job training as well as continued training opportunities for learning and improving job skills. (Reviewed 10-22-13)

### **10.9 CORPORAL/TRAINING OFFICER PROGRAM**

Selection, appointment, training, and compensation of training officers and corporals will be based upon the criteria set forth in the following procedure. (12-31-21)



# *San Diego County Sheriff's Department*

## Procedure Section

**PROCEDURE STATEMENT**

**All Procedures printed in this section have been approved by the Sheriff and it shall be the responsibility of all employees to familiarize themselves and comply with all such procedures.**

<p><b>1.1 POLICY AND PROCEDURE AUTHORITY/DEFINITION OF TERMS</b></p>
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All members of this Department are encouraged to submit revisions or propose new sections to the policies in this manual. For instructions, see P&P 1.12.

Procedures found in any other operational manuals, i.e., Field Operations Manual, Traffic Manual, Station Manual, etc., are subordinate to and in all appropriate cases should correspond to Department objectives and augment Department policies.

**Definition of Terms**

Executive Order

An order issued only by the Sheriff on any subject matter concerning the quality of Departmental service levels, budget matters, public safety, community concerns or personnel issues. Information shall be stated in specific terms and shall be complied with by all members of the Department. Unless stated otherwise, all Executive Orders shall remain in effect until canceled by the Sheriff.

Directive

An order issued by the Undersheriff defining in detail the procedures to be followed in the execution of new or previous Executive Orders or established Department procedures. This order will be identified by a number indicating the sequence and year of issue. Directives shall remain in effect until canceled by the Undersheriff, or until confirmed by Division of Inspectional Services (DIS) that the Directive has been incorporated into the appropriate P&P section or other Department Manual.

Policy

To be a policy, there must exist a statement or description of a Department attitude toward a given area. Such a statement or description shall be construed to be a framework within which personnel shall operate, and also serve as a guide for decision-making. If these requirements are met, the resulting statement shall be policy.

Procedure

To be a procedure, there shall be an established order of logical steps to be followed for the expressed purpose of complying with a Departmental policy. Such steps shall be detailed enough to eliminate confusion, yet concise enough to be easily followed.

Memoranda

Shall be used for disseminating general information which is of importance for a limited period of time. Seasonal changes in uniform attire and announcements of holiday work schedules are adequately handled through memoranda.



## **San Diego County Sheriff's Department - Procedure Section**

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### Special Orders

Shall be utilized for announcements, which concern specific personnel, such as transfers, promotions, etc.

### Title Changes

Whenever there is a change of title in the Sheriff's Department organization, the previous title as mentioned in the Policy and Procedure Manual and the new title are synonymous. Title changes will be made during those periods of annual review. (04-28-21)

## **1.2 REVIEW AND APPROVAL - DEPARTMENT POLICIES AND PROCEDURE**

The Departmental Policy and Procedure Manual is now on the Sheriff's Intranet and updated pages will be integrated into the proper sections by the Division of Inspectional Services.

### **Association's Review**

Prior to the implementation of any change in Departmental policies, procedures or rules and regulations that affect employees' hours, wages or working conditions, meet and confer sessions will be conducted with representatives of the affected employee organizations. (04-28-21)

## **1.3 NUMBERING SYSTEM**

The decimal system employed consists of a category designator as the first digit (followed by a period). The second number indicates the division within that category. (07-13-98)  
(Reviewed 1-14-2011)

## **1.4 DISTRIBUTION OF POLICY & PROCEDURE MANUALS**

All Sheriff's personnel, including Reserves and 960 re-hires shall be provided access to the Department's policies and procedures via the Sheriff's intranet. It will be the responsibility of all Sheriff's personnel to read and be familiar with the contents of the Policies and Procedures as posted online. All Sheriff's personnel are required, within 30 days of being hired and on an annual basis thereafter, to complete Learning Management System (LMS) training certifying that they have read, understand and agree to the Rules of Conduct for Members of the San Diego County Sheriff's Department as outlined in Policy and Procedure Section 2.

Revisions to existing policies and procedures and/or the addition of new policies and procedures are approved on a regular basis. DIS is responsible for coordinating the Department-wide distribution of all policy and procedure revisions via LMS.

All Sheriff's personnel are required to log into LMS and read the new policy or procedure section/s within 30 days of receiving the e-mail.

Updates to Sheriff's policies and procedures will be provided via email to: Citizens Law Enforcement Review Board, Deputy Sheriff's Association and the Grand Jury. (09-19-19)

## **SECTION 1 Administration**

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**1.5 COMMAND  
SUCCESSION**

When the Sheriff is absent from the County, unless designated otherwise, the Undersheriff shall assume the duties and responsibilities of the Sheriff.

When the Sheriff and the Undersheriff are both absent from the County, the Sheriff will appoint an Assistant Sheriff to assume the duties and responsibilities of the Sheriff.

All other commanding officer positions, when absent from the County shall be succeeded, unless designated otherwise, by the next highest, most senior officer in that command.

Officers not willing, unavailable or unable to assume those duties shall immediately notify his or her commanding officer who will make the appointment. (08-18-97) (Reviewed 1-14-2011)

**1.6 SHERIFF'S FACILITY  
DESIGNATORS**

The following terminology shall be used when referring to, or addressing correspondence to, Sheriff's Department facilities:

The main Sheriff's facility in San Diego shall be known as the "John F. Duffy Administrative Center".

**The following facilities commanded by a Captain shall be known as Stations.**

- North Coastal
- Poway
- Rancho San Diego
- San Marcos
- Santee
- Vista

**The following facilities commanded by a Lieutenant shall be known as Substations.**

- 4S Ranch
- Alpine
- Fallbrook
- Imperial Beach
- Julian
- Lakeside
- Lemon Grove
- Ramona
- Valley Center/Pauma

**The following facilities will be known as Substations. The substation commander is a Sergeant.**

- Campo/Tecate Substation
- Pine Valley Substation

## **San Diego County Sheriff's Department - Procedure Section**

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- Ranchita/Warner Springs Substation
- Borrego Springs Substation

### **The following shall be known as Offices.**

- Boulevard/Jacumba Office
- Dulzura Office

### **Special Designations**

- Emergency Services Division
- Major Crimes Division (MCD)
- Miramar Training Facility/A Range
- San Diego Regional Firearms Training Center
- San Diego Regional Public Safety Training Institute (Includes Regional Academy and Sheriff's In-Service Training Division)
- Investigations, Crime Lab, Property and Evidence (ICP)
- Sheriff's Communications Center

### **The following shall be known as Detention Facilities**

- East Mesa Reentry Facility
- Facility 8
- George Bailey Detention Facility
- Las Colinas Detention and Reentry Facility
- Rock Mountain Detention Facility
- San Diego Central Jail
- South Bay Detention Facility
- Vista Detention Facility
- 

### **The following shall be known as Courthouses**

- Chula Vista
- El Cajon
- Hall of Justice
- Juvenile
- Kearny Mesa
- Madge Bradley (Court Services – San Diego Field Office)
- San Diego
- Vista

(04-28-21)

## **1.7 STAFF REPORTS**

### **Staff Report Format (Major Revisions/Additions)**

In order to ensure that all major staff work submitted to any reviewing/approval authority of the Department is uniform and thorough, the following report format shall be utilized. Certain segments of the format may change to some degree depending on the subject matter of the report.

## **San Diego County Sheriff's Department - Procedure Section**

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Specified topic areas, in the sequence listed below, should be addressed in the majority of such reports.

### General Heading

TO:

FROM:

SUBJECT MATTER:

PROBLEM:

ASSUMPTIONS:

FACTS:

DISCUSSION:

COSTING INFORMATION (If Applicable)

CONCLUSION:

RECOMMENDATION:

SIGNATURE BLOCK OF REPORTER

ATTACHMENTS: (When Applicable)

ENDORSEMENTS: (Approval/Disapproval areas, signature space and at least three (3) lines for "COMMENTS":)

### **Staff Report Format (Minor Revisions/Additions)**

These types of revisions should be accompanied by a cover letter that includes the following:

TO:

FROM:

VIA: CHAIN OF COMMAND

SUBJECT:

RATIONALE STATEMENT:

SIGNATURE BLOCK OF REPORTER

ATTACHMENTS: (When applicable)

ENDORSEMENTS: (Same as above). (06-12-98) (Reviewed 1-14-2011)

**1.8 FACILITY  
APPEARANCE AND  
MAINTENANCE**

Facility Commanders shall make periodic inspections of the interior and exterior of facilities including those that are co-located with other governmental facilities.

Maintenance or needed repairs to facilities shall be promptly brought to the attention of the Facility Commander who shall notify the appropriate repair or maintenance personnel. (09-15-98)  
(Reviewed 1-14-2011)

**1.9 DO IT BETTER BY  
SUGGESTION (D.I.B.B.S.)  
PROGRAM**

D.I.B.B.S. (Do It Better By Suggestion) is an incentive program designed to elicit suggestions from employees to help improve operational costs. For full description of D.I.B.B.S. please go to the County DHR website.

Employees are encouraged to participate in the D.I.B.B.S. awards program by submitting ideas that improve efficiency of a procedure, program or department; eliminate unnecessary procedures or duplication of effort; save time, money or materials; improve productivity; reduce costs; generate revenue; or provide a service that is more effective to the public.

Why submit:

As a county employee, you are directly involved in the operations and delivery of County services. You are sitting in an ideal position to suggest improvements. When you submit a suggestion, you could: improve operations; improve service to the public; increase revenues; reduce require staff time; improve safety: and reduce costs.

A suggestion that is implemented could receive a cash award, up to \$20,000. (The maximum total cash award for qualified suggestions is \$20,000). If two or more employees submit the suggestion, the award will be divided equally. The amount depends on the type of award and the first-year net savings.

Suggestions conforming to the below guidelines should be completed and forwarded to the D.I.B.B.S. Office by using the on-line submission form located on the County DHR website.

Employees who choose to participate shall submit suggestions in conformance with the following:

- Clearly identify the problem
- Clearly identify a specific solution and indicate a detailed plan
- Provide clear documentation of all expenses involved and indicate the projected savings
- Benefits and the costs of the proposed solution
- Be adopted and implemented in whole, or in part.

Suggestions that meet the minimum qualifications will then be sent to the Sheriff's Department D.I.B.B.S. Coordinator for analysis and review.

Suggestions will be evaluated by the Bureau with the most expertise in the area of the subject matter contained in the suggestion.

Evaluated suggestions are sent to the Undersheriff for final review, then forwarded to the D.I.B.B.S. Committee for final adoption or non-adoption. (04-28-21)

**1.11 EMPLOYEE ASK THE BOSS**

Employees using the Ask the Boss Program shall submit their questions/comments on the appropriate "Ask the Boss" form (SO-30). Completed forms may be directed to either the Sheriff, Undersheriff, Assistant Sheriff or Director with questions or suggestions concerning Department policies, procedures or practices. Responses will be provided to the requesting employee as soon as practical. (04-28-21)

**1.12 POLICY & PROCEDURE PREPARATION**

Division of Inspectional Services (DIS) in the Office of the Sheriff is charged with the responsibility of overseeing the Policy & Procedure Manual function.

All proposals for revisions or additions to Department policy and procedures shall be formatted in the following manner.

It is recommended that employees, prior to preparing any document, consult with a DIS supervisor.

**New Policies**

- TO: Assistant Sheriff  
Executive Director
- VIA: Chain of Command
- FROM: Originator
- P&P SECTION
- Rationale: Brief justification for the proposed change.
- Title: Short, descriptive
- Policy: Statement requiring compliance
- Procedure: How to perform the task or duty
- Endorsement: Page containing approval signatures at each level up to and including Assistant Sheriff or Executive Director of originator's bureau.
- Forward all documents to DIS for processing and submission to SOPC.
- E-Mail text to DIS

**Revisions**

- Rationale.
- Using copy of current document, use ~~strikeout~~ for deletions and underline new material.
- Endorsement page.
- Forward to DIS.

**Distribution**

Upon approval by the Sheriff, DIS shall publish and post the manual to the Intranet and Internet.

**Operation Manuals**

Operation Manuals will be printed and distributed consistent with procedures established by the Assistant Sheriffs/Executive Director in charge of the respective Bureaus. The Assistant Sheriffs/Executive Director shall initiate an annual review of individual operational manuals within their respective areas of responsibility. (04-21-22)

**1.13 REQUESTS FOR  
LEGAL SERVICES**

In order to promote efficiency and consistency, all requests for legal services, opinions, and inquiries must go through the chain of command, up to the level of Captain, watch commander, or professional staff equivalents. However, notifications mandated by P&P section 6.124 (summons, complaints, subpoenas) should be forwarded to the Legal Affairs Unit directly. (04-28-21)

**1.14 REVENUE CONTRACT  
DEVELOPMENT AND  
EXECUTION**

Revenue contracts are those agreements representing the Department's intention to deliver services that exceed the service level normally provided, and may include, but are not limited to, services such as law enforcement services including patrol and traffic, food services, and technical support services. Law enforcement services may be for gun shows, traffic control for movie filming, special events at the fair grounds throughout the year, festivals, and other similar events.

Revenue contracting efforts are to be coordinated with the Contracts Division. Needs may be made known to the Contracts Division by telephone (858-974-2236) or email to the Contracts email account.

Full cost recovery is to be achieved to the extent that the law allows. Standard billing rates developed by the Financial Services Division will be used for billing purposes, except where the nature of the service warrants additional consideration. The Contracts Division is responsible for determining if a different rate is to be used.

It is not permissible to enter into a contract or revenue agreement for the services of reserve law enforcement personnel, senior volunteers or members of any other volunteer organization affiliated with this agency.

## San Diego County Sheriff's Department - Procedure Section

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Determine that the services requested of the Sheriff's Department are in keeping with requirements specified in Government Codes 53069.8 and 54981 et seq., San Diego County Administrative Code 123 and Board Policy B-29; and the Department's Mission, Vision and Core Value Statements.

- Government Code 54981 permits the Sheriff's Department and / or the County to contract with a legislative body to perform a service within that entity's territory.
- Government Code 54981.7 permits the Sheriff's Department and / or the County to contract with an Indian tribe to provide law enforcement services.
- Government Code 53069.8 specifies that the "county may contract on behalf of the Sheriff" to provide supplemental law enforcement services to:
  - Private individuals or private entities to preserve the peace at special events or occurrences that happen on an occasional basis.
  - Private nonprofit corporations that are recipients of federal, state, county, or local government low-income housing funds or grants to preserve the peace on an ongoing basis.
  - Private entities at critical facilities on an occasional or ongoing basis. A "critical facility" means any building, structure, or complex that in the event of a disaster, whether natural or manmade, poses a threat to public safety, including, but not limited to, airports, oil refineries, and nuclear and conventional fuel power plants.
- County Administrative Code Section 123 authorizes the CAO to execute revenue contracts of \$50,000 or less and the Sheriff or designee to execute contracts of \$5,000 or less. The CAO has delegated his authority to the Deputy Chief Administrative Officer (DCAO) of the Public Safety Group. Revenue contracts exceeding \$50,000 require Board approval.
- Board Policy B-29 requires full cost recovery to the extent that the law permits, repeats the contract execution authority established in the Administrative Code Section 123 and requires Board or CAO approval at least sixty (60) days prior to the effective date of the contract.

Develop and execute a contract by the following steps:

- Ensure that the contract form and content has been approved by the Contracts Division. A standard short-form contract has been developed that will usually suffice for short-term agreements.
- If there is any uncertainty as to how to proceed, contact the Contracts Division.
- Determine that the services are of value to the community and within those core services that the Sheriff's Department would normally provide under contract to other agencies or entities.
- Determine if the service is something in which the Department wishes to be involved, that the resources are available to deliver the services requested and that the ultimate outcome will be beneficial to the community.
- Determine if a standard short-form contract will suffice or if a long-form tailored contract is more desirable.
  - Short-form contracts are typically reserved for short-term, low dollar agreements.
  - Long-form agreements are developed by the Contracts Division and tailored to meet the needs of a single, more complex request. If the long-form is to be used, contact the Contracts Division for assistance in the preparation of the document.
- If the short-form will be used, proceed with the pro forma contract.
  - Enter the appropriate information into the pro forma short-form contract including the client name, services to be provided, term period of the agreement, etc.
  - Confirm the rates to be used for billing purposes with the Sheriff's Contracts Division.
  - Prepare an Attachment A that specifies the exact services to be delivered.
  - Prepare six originals for each contract that is developed.
  - Forward the documents for signature.



## San Diego County Sheriff's Department - Procedure Section

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- Contract approval and execution is determined by the dollar amount and nature of the contract. Type the appropriate approving authorities for the customer and County at the bottom of the contract.
  - A short term or ongoing contract with an annual value of \$5,000 or less may be signed and executed by the station Captain, substation Lieutenant, division manager, etc.
  - A contract with an annual value of \$50,000 or less requires the approval of the DCAO of the Public Safety Group.
    - Contracts for DCAO approval must be processed through the Contracts Division.
    - Board Policy B-29 requires approval by the DCAO at least sixty (60) days prior to the contract start date.
    - The Contracts Division must use the appropriate routing cover sheet in forwarding the document for DCAO signature.
  - A contract with an annual value exceeding \$50,000 requires Board of Supervisors' approval via a Board letter and will usually necessitate the use of a long-form contract tailored to meet the needs of the agreement. These contracts and Board letters are to be reviewed by or developed by the Contracts Division.
    - Contracts for Board approval must be processed through the Contracts Division.
    - Board Policy B-29 requires approval by the Board at least sixty (60) days prior to the contract start date. (01-07-05) (Reviewed 1-14-2011)

**2.1 RULES OF CONDUCT  
FOR MEMBERS OF THE  
SAN DIEGO COUNTY  
SHERIFF'S DEPARTMENT**

All employees shall conform to Federal, State, and Local laws, as well as to the policies of this Department. It shall be the responsibility of all employees to familiarize themselves and comply with all such policies, orders, directives, rules and regulations of this Department. (02-12-13)

**2.2 Applicability**

These Rules of Conduct apply to all classifications of employees, including Reserve, 960 hour Rehires, student workers, interns, contract professionals and Volunteer employees, except when a rule, by its very nature, does not apply to a given classification of employee. (06-24-14)

**2.3 Violation of Rules**

Employees shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, orders or policies of this Department, whether stated in these Rules of Conduct or elsewhere. Employees shall be responsible for their own acts, and they shall not shift to others the burden, or responsibility, for executing or failing to execute a lawful order or duty. (Reviewed 1-11-2011)

**2.4 Unbecoming Conduct**

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee. (Reviewed 1-11-2011)

**2.5 Immoral Conduct**

Employee shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute. (Reviewed 1-11-2011)

**2.6 Conformance to Laws**

Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

Employees shall immediately inform their immediate supervisor of any and all circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency. The supervisor receiving such notification shall immediately notify Internal Affairs. (7-30-03) (Reviewed 1-11-2011)

**SECTION 2 RULES OF CONDUCT**

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### **2.7 Seeking or Accepting Gifts, Gratuities, Bribes, or Rewards**

It is prohibited for employees to directly or indirectly solicit or accept from any person, business, or organization any gift, gratuity, bribe, or reward for the benefit of the employee, if it may reasonably be inferred that the person, business, or organization:

Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or

Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

Food and Other Services: When making purchases, whether on or off duty, employees shall pay the posted price(s) for food, services or any other consideration. Discounts will not be accepted nor solicited where the employee's official position is used to effect same, or the discount can be reasonably shown to be as a result of any official position. A discount may be accepted where it has been negotiated by a recognized employee group sanctioned by the Sheriff.

For the purpose of this rule, the words "gifts", "gratuity", "bribe", and "reward", shall include money, food, tangible or intangible personal property, loan, promise, service, entertainment, or any other consideration. (Reviewed 1-11-2011)

### **2.8 Visiting Prohibited Establishments**

Employees shall not knowingly enter or frequent any establishment (house of prostitution, gambling house, etc.) wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a supervisor. (Reviewed 1-11-2011)

### **2.9 Associations**

Employees shall not associate on either a personal or business basis or have dealings with persons whom they know, or should know, or have reason to believe are, or have been racketeers, sexual offenders, drug dealers, illegal drug users, illegal gamblers, persons whom the employee suspects, or should suspect, are involved in felonious activities, convicted felons, persons held in county custody, felons serving or who have served time in custody, or persons under criminal investigation or indictment, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships. (09-21-04)  
(Reviewed 1-11-2011)

### **2.10 Gambling**

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor. (Reviewed 1-11-2011)

### **2.11 Use of Drugs**

Employees shall not use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of employees by one legally authorized to prescribe such medication. When controlled substances, narcotics, or hallucinogens are prescribed, and the employee is taking these substances while on duty or in such close proximity to going on duty that it would create an effect, employees shall notify their supervisor. (NOTE: Controlled substance is defined under Section 11007 and Sections 11054 through 11058 of the Health and Safety Code.)

## **SECTION 2 RULES OF CONDUCT**

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## **San Diego County Sheriff's Department - Procedure Section**

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The Sheriff's Department maintains a drug and alcohol free workplace as provided by law. Federal law prohibits the possession, use, manufacture, cultivation and distribution of marijuana. As such, marijuana possession, use, manufacture, cultivation and distribution by all employees is prohibited whether on or off duty. (Reviewed 02-16-17)

### **2.12 Alcoholic Beverages in Sheriff's Office Facilities**

Employees shall not bring into or store alcoholic beverages in any Sheriff's facility or County vehicle except those being held as evidence or for an approved instructional program. (Reviewed 12-18-2010)

### **2.13 Use of Alcohol/on Duty**

Employees shall not drink alcoholic beverages while on duty except in the performance of official duties and with the specific approval of a supervisor. Alcoholic beverages consumed on duty will be done in moderation. Employees shall not appear for duty, or be on duty, while under the influence of alcohol to any degree whatsoever, or have an odor of alcohol on their breath. (Reviewed 12-08-16)

### **2.14 Use of Alcohol/off Duty**

Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in unlawful impairment (such as driving under the influence or being unable to care for their own safety or the safety of others), public intoxication, or obnoxious or offensive behavior in public which would tend to discredit them or this Department, or render the employee unfit to report for their next regular tour of duty. (Reviewed 10-19-16)

### **2.15 Insubordination**

Insubordination is the willful refusal to obey a reasonable and lawful order given and understood. A reasonable and lawful order given to a subordinate shall be followed regardless of the method of conveyance. The willful failure to obey orders constitutes grounds for discipline (including termination). (Reviewed 12-19-2010)

### **2.16 Conflicting or Illegal Orders**

Employees who are given an otherwise proper order which is in conflict with a previous order, regulation, directive or manual, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order previously issued. However, employees shall not obey any order which they reasonably believe would require them to commit any illegal act. If in doubt as to the legality of the order, employees shall request that the person issuing the order confer with higher authority or clarify the order. (Reviewed 12-27-2010)

### **2.17 Public Appearances and Statements**

Employees shall not publicly criticize or ridicule this Department, its policies, or employees, by speech, writing or other expression, where such expression is defamatory, obscene, unlawful, tends to undermine the effectiveness of this Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falseness. This rule is not intended to apply to political activities by a candidate for public office. Such activity is fully covered under Policy and Procedure Section 2.43 (Political Activity).

## **SECTION 2 RULES OF CONDUCT**

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Employees shall not address public gatherings, appear on radio or television, prepare any articles for publications, act as correspondents, release or divulge investigative information, or any other matter of this Department, while holding themselves out as having an official capacity in such matters without having obtained official sanction or authority.

Any speech, writing or other expression made where the listener or reader may reasonably assume that the employee is acting as a spokesperson on behalf of the Department will be governed by the above guidelines. (Reviewed 12-27-2010)

### **2.18 Abuse of Position**

#### **Use of Official Position or Identification**

Employees are prohibited from using their official position, official identification cards or badges; (1) for personal or financial gain, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts (such as traffic citations, driving under the influence, etc.). Employees may not lend their identification cards or badges to another person, or permit them to be photographed or reproduced.

#### **Use of Name, Photograph or Title**

Employees shall not permit or authorize the use of their names, photographs, or official titles which identify them as members of the Sheriff's Department, in connection with testimonials or advertisements of any commodity of commercial enterprise.

#### **Use of C.C.W. License by Non-Peace Officer**

Employees who in their capacity as private citizens, have applied for and received concealed weapons licenses are not authorized to, nor shall they represent to any person that they are carrying or utilizing such weapon within the course and scope of their employment. Nor shall any employee who has obtained a concealed weapons license misrepresent himself/herself to any person as being a Deputy Sheriff. (Reviewed 1-4-2011)

### **2.19 Endorsements and Referrals**

Employees shall not recommend or suggest in any manner, when acting in their official capacity, the employment or procurement of a particular product, professional or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). When any such service is necessary, employees shall proceed in accordance with established Departmental procedures. (Reviewed 1-4-2011)

### **2.20 Identification**

Sworn employees shall carry their identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. While on duty, all employees shall furnish their first and last name or ARJIS number to any person requesting his or her identity, except when the withholding of such information is necessary for the performance of police duties. (03-24-21)

### **2.21 Citizen Complaints**

Employees shall courteously and promptly accept any complaint made by a citizen against any employee or any Department policy or procedure. The employee receiving the complaint must decide whether to handle it informally; i.e., verbally, or document the complaint in writing. Employees may attempt to resolve the complaint, but shall never attempt to dissuade any citizen

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from lodging a complaint. If the employee does not believe the complaint has been handled to the complainants' satisfaction, the employee shall notify their immediate supervisor. The supervisor will determine the next course of action. (Refer to Policy and Procedure Section 3.2 for procedure for handling citizen complaints. (04-21-15)

### **2.22 Courtesy**

Employees shall be courteous to the public and fellow employees. They shall be tactful in the performance of their duties, shall control their tempers, exercise patience and discretion even in the face of extreme provocation. Coarse, profane, or violent language is generally prohibited. Employees shall not use insolent language or gestures in the performance of his or her duties. (04-28-21)

### **2.23 Request for Assistance**

When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established Department procedures. (Reviewed 12-5-2010)

### **2.24 Reporting for Duty**

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas and training assignments shall constitute an order to appear under this section. (Reviewed 12-5-2010)

### **2.25 Sleeping on Duty**

Employees shall remain awake while on duty. If unable to do so, they shall so report to their immediate supervisor who shall determine the proper course of action. (Reviewed 12-5-2010)

### **2.26 Meals**

Sworn employees assigned to uniformed patrol or detentions shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and at such time and place, as established by Departmental procedures. (Reviewed 12-5-2010)

### **2.27 Neglect of Duty**

Employees shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business, which would cause them to neglect or be inattentive to duty. (Reviewed 12-5-2010)

### **2.28 Telephones, Names, Addresses**

Sworn employees shall have telephones (cellular phone, landline or both) in their residences. All employees shall immediately report any changes of telephone numbers, names, or residence addresses (post office boxes will not be acceptable for this purpose) to their supervisor and to such other persons as may be required by this Department (use form PER-2). *An employee's*

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*work phone number(s), to include any department issued cellular phone number, and personal phone number(s) shall be listed at all times in the corporate directory.*

Employees should be aware that, under certain circumstances, they are subject to call back to ensure the efficient operation of the Department. (10-26-17)

### **2.29 Fictitious Illness or Injury Reports**

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Department as to the condition of their health. (Reviewed 12-5-2010)

### **2.30 Failure to Meet Standards**

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor. (Reviewed 1-27-2011)

### **2.31 Personal Appearance**

Employees on duty shall wear uniforms or other clothing appropriate to their assignment in accordance with established Departmental procedures.

Employees on duty shall maintain a neat, well-groomed appearance and shall style their hair according to established Departmental regulations. Reference Sections 3.11 "Hair and Grooming Standards for Sworn Personnel", of the Departmental Policy and Procedure Manual.

Employees having occasion to visit any Sheriff's Department facility, while off-duty, shall be neat and clean in their appearance. (Reviewed 1-27-2011)

### **2.32 Use of Tobacco**

Employees shall not smoke or use smokeless tobacco when they: (1) are in formation, (2) have to leave their assignment or post for the sole purpose of doing so, (3) are engaged in traffic control or direction, or (4) are dealing in person with the public. Smoking or use of smokeless tobacco at all other times will be in compliance with the County Smoking Ordinance (Chapter 8 S.D.C.C. and Section 3.38 Policy and Procedure Manual). (Reviewed 12-5-2010)

### **2.33 Employment Outside of Department**

Employees may engage in off-duty employment subject to the following limitations: (1) such employment shall not interfere with the employee's employment with this Department; (2) employees shall submit a written request for off-duty employment to his/her Facility Captain/Division Manager, whose approval must be granted prior to engaging in such employment.

Approval may be denied where it appears that the outside employment might: (1) render the employee unavailable during an emergency; (2) physically or mentally exhaust the employee to

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the point that their performance may be affected; (3) require that any special consideration be given to scheduling of the employee's regular duty hours.

Approval shall be denied where it appears that the outside employment might involve: (1) the sale or distribution of alcoholic beverages as the primary business or produce; (2) investigative work for insurance agencies; (3) work for private guard services, collection agencies, attorneys or bail bond agencies, or (4) work for an employer who has been convicted of a felony or who openly associates with convicted felons.

Reference Section 3.7 "Outside Employment", of the Department Policy and Procedure Manual. (4-19-06) (Reviewed 2-18-2011)

### **2.34 Carrying of Firearms**

Employees who are authorized to carry firearms shall carry them in accordance with the law and established Department policy and procedure. Employees who are authorized to carry a firearm, may (optional) carry a firearm, when off duty, except:

1. When consuming an amount of alcoholic beverages that would tend to adversely affect a reasonable person's senses or judgement, or render the employee unfit to report for their next regular tour of duty.
2. When under a doctor's care for a mental or physical illness which requires the employee to ingest any medication that would impair his/her normal reactions.
3. While suspended from duty or during the loss of police powers.

When authorized for off-duty carry, firearms shall be concealed from public view when the employee is wearing civilian attire. When a firearm is displayed in an on-duty status, the sworn employee shall wear their uniform badge in a position plainly visible from the employee's front and shall have their Department Identification Card on their person to present upon request.

Except in emergency situations, employees are responsible for securing firearms in a locked container when left in an unattended vehicle to minimize theft/loss. A "locked container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. If the firearm is placed in a locked container, the locked container must be placed out of plain view. The term "locked container" does not include the utility or glove compartment of a motor vehicle. If placing the firearm in a locked container out of plain view is not possible, the firearm shall be locked in a secured trunk of the unattended vehicle. This section does not apply during circumstances requiring a deputy to provide immediate aid or action that this is within the course of his or her official duties. (08-28-18)

### **2.35 Operation of Vehicles**

Employees shall operate all county owned or maintained vehicles, or any vehicle being operated in the performance of their official duties, in a careful and prudent manner, and shall obey all laws of the state and all Departmental orders pertaining to such operation. Employees shall set a proper example for other persons by the manner in which they operate all vehicles in an official capacity. Loss or suspension of an employee's driver's license shall be reported to the Department immediately and may be cause for reassignment, suspension, or termination. When employees drive any vehicle requiring other than a regular driver's license (Class C) they shall possess the required class endorsement. (10-10-07) (Reviewed 12-31-2010)

### **2.36 Use of Department Equipment**

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Employees shall utilize Department equipment only for its intended purpose, in accordance with established Departmental procedures and shall not abuse, damage or lose Department equipment. **All issued facility keys marked as "do not duplicate" shall not be copied without "Station, Facility or Division Commander" approval. Replacement facility keys shall be ordered from Sheriff's Facilities Management.** All Department equipment issued to employees, including manuals, shall be maintained in proper order. (01-25-18)

### **2.37 Dissemination of Information**

Employees shall treat the official business of this Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Departmental procedures. Employees may remove or copy official records or reports from any law enforcement installation only in accordance with established Departmental procedures. Employees shall not divulge the identity of persons giving confidential information, except to their supervisors. (Reviewed 12-31-2010)

### **2.38 Intervention**

Employees shall not use their position, or knowledge gained by employment with this Department, to intervene in, or interfere with any case, or investigation being handled by this Department, or any other agency. (Reviewed 12-31-2010)

### **2.39 Processing Property**

Property which has been discovered, gathered or received in connection with Departmental responsibilities will be processed in accordance with established Departmental procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property found or obtained in connection with the performance of their duties, except in accordance with Department procedures. (Reviewed 12-31-2010)

### **2.40 Abuse of Process/withholding Evidence**

Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold evidence or information, or make false accusations of a criminal or traffic charge. (Reviewed 12-31-2010)

### **2.41 Departmental Reports**

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete; no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, nor omit pertinent information reasonably expected to be included. (Reviewed 12-31-2010)

### **2.42 Payment of Debts**

Employees shall not undertake any financial obligations which they know or should know they will be unable to meet. An isolated instance of financial irresponsibility will not be grounds for discipline, except in unusually severe cases. Repeated instances of financial difficulty may be cause for disciplinary action. Filing for voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen causes (such as medical expenses or personal disaster) shall not be cause for discipline, provided that a good faith effort, to settle all accounts, is being undertaken. (Reviewed 12-31-2010)

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### **2.43 Political Activity**

#### **Employees shall be permitted to:**

- Register and vote in any election;
- Be candidates for elective public office, including Office of the Sheriff.
- Communicate through the mail or by other means, requests for political funds or contributions to a significant segment of the public which may include officers or employees of the county; however, employees shall not solicit political funds or contributions solely from other employees of the County of San Diego. (Govt. Code ' 3205.)
- Express opinions as individuals privately and publicly on political issues and candidates;
- Attend political conventions, rallies, and similar political gatherings;
- Actively engage in any non-partisan political functions;
- Sign political petitions as individuals;
- Make financial contributions to political organizations;
- Serve as election judges or clerks in performance of non-partisan duties as prescribed by state or local laws;
- Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section;
- Participate fully in public affairs to the extent that such endeavors do not impair efficient performance of official duties, or create real or apparent conflicts of interest.

#### **Employees are prohibited from:**

- Using their official capacity to influence, interfere with or affect the results of an election;
- Directly or indirectly, using, promising, threatening or attempting to use any official influence in aid of any political activity, or to affect the result of any election to political office, or upon any other corrupt condition or consideration;
- Engaging in political activity of any kind while in uniform prescribed for any employee of the County of San Diego or during any hours in which they have been directed to perform their assigned duties, or in any Sheriff's facility or on any property leased or controlled by the Sheriff's Department. (Govt. Code ' ' 3206, 3207.) (Reviewed 12-31-2010)

### **2.44 Labor Activities**

Employees shall have the right to join labor organizations, but nothing shall compel this Department to recognize or to engage in collective bargaining with any such labor organizations, except as provided by law.

Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing,

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influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment. (Reviewed 12-31-2010)

### **2.45 Use of Lie Detectors, Medical Examination, Photographs, Lineups**

#### **Lie Detectors**

Employees may voluntarily submit to a lie detector test (as defined in Government Code section 3307(b)) when the examinations are specifically directed and narrowly related to a particular investigation being conducted by this Department (see Section 3307 Government Code).

#### **Medical Examinations; Tests; Photographs; Lineups**

Upon the order of the Sheriff or the Sheriff's designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this section shall be specifically directed and narrowly related to a particular administrative investigation being conducted by this Department.

Excerpt from Government Code for reference:

3307. (a) No public safety officer shall be compelled to submit to a lie detector test against his or her will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a lie detector test, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take, or did not take, a lie detector test, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take, or was subjected to a lie detector test.

(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual. (03-21-12)

### **2.46 Truthfulness**

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete. (Reviewed 1-27-2011)

### **2.47 Financial Disclosure**

Employees shall submit financial disclosures and responsibility statements in a prescribed manner if required by the Sheriff in connection with an investigation in which this information is material to that investigation. (Reviewed 1-27-2011)

### **2.48 Treatment of Persons in Custody**

Employees shall not mistreat, nor abuse physically or verbally, persons who are in their custody. Employees shall handle such persons in accordance with law and established Departmental procedures. (Reviewed 1-16-2011)

### **2.49 Use of Force**

Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Departmental procedures, and report all use of force in writing. (Reviewed 1-16-2011)

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### **2.50 Use of Lethal/less Lethal Weapons**

Employees shall not use or handle lethal or less lethal weapons (including chemical agents, saps, batons, taser guns, etc.) in a careless or imprudent manner. Employees shall use these weapons in accordance with law and established Departmental procedures. (Reviewed 1-16-2011)

### **2.51 Arrest, Search and Seizure**

Employees shall not make any arrest, search or seizure, nor conduct any investigation or official Department business, in a manner which they know or ought to know is not in accordance with law and established Department policies and procedures. (Reviewed 1-16-2011)

### **2.52 Conflicts of Interest**

No employee shall make, participate in making or in any way attempt to use their official position to influence a governmental decision in which the employee knows, or has reason to know, that they have a financial interest. This regulation and the designating positions and establishing disclosure categories located with the Office of the Sheriff, shall constitute the conflict of interest code of the San Diego Sheriff's Department. (Govt. Code "1090, 87100 et seq.). (09-01-22)

### **2.53 Discrimination**

Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, sexual or gender identity, lifestyle or similar personal characteristics.

Examples of discriminatory acts which will not be tolerated include the use of verbal derogatory comments, slurs, or jokes, derogatory pictures, cartoons or posters and actions which result in a person being treated unequally. (01-4-21)

### **2.54 Sexual Harassment**

Employees shall not participate in or allow behaviors or situations that they know or should know, constitute sexual harassment as outlined in state and federal law. Employees shall take swift action to stop the offensive behavior or correct the situation. Employees shall not retaliate in any way against a complaining party or witness involved in sexual harassment allegations. (08-18-97) (Reviewed 1-16-2011)

### **2.55 Non-Biased Based Policing**

A. All investigative detentions, traffic stops, arrests, searches, and seizures of property by employees will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, applicable case law and relevant statutory authority. Employees must be able to articulate specific facts and circumstances, which support probable cause for an arrest or search or reasonable suspicion for a traffic stop, or detention.

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- All sworn staff will receive training on racial and identity profiling to include training on implicit bias. It is the expectation of the department that all staff will interact with members of the public in a professional, fair and nondiscriminatory manner.
- All personnel should treat the public equally without regard to race, gender, sexual orientation, gender identity or expression or disability, either physical or mental.

B. Except as provided in this procedure, employees shall not consider actual or perceived race, ethnicity, religion, national origin, sexual orientation, gender identity or expression, mental or physical disability establishing either reasonable suspicion or probable cause when conducting law enforcement activities. Such activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and non-consensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

C. Employees may take into account a reported descriptor such as race, ethnicity, religion, national origin, sexual orientation, gender, or lifestyle of a specific suspect or suspects based on credible, reliable and relevant information that links a person(s) of a specific descriptor to a particular criminal incident(s). In a custodial setting, appropriate consideration of race, ethnicity, origin, sexual orientation, and gender may be used for purposes of housing, classification, transportation or any other matters affecting the status of a person in departmental custody when necessary for the safety and security of the person or the facility. Consideration of the above-mentioned personal characteristics shall not be used for purposes of administrative discipline.

Race, ethnicity, religion, national origin, sexual orientation, gender, or lifestyle can never be the sole factor in establishing reasonable suspicion or probable cause, but can, in the restricted circumstances described above, be one factor of the totality of the circumstances.

D. To further this effort and comply with state law, employees will be required to collect and document all information required under Assembly Bill 953, The Racial and Identity Profiling Act (RIPA). The regulations specify the reporting requirements and data that shall be collected and reported on each detention or search, including consensual searches, by a peace officer, consistent with Government Code section 12525.5, the updated definition of "racial or identity profiling" listed there, and the guidelines provided by the California Attorney General and/or California Department of Justice regarding its application. The answers are to be based on the deputy's perception at the time of the stop and not utilize external reference information, questioning, or other personal identifying information to formulate their responses.

- Data collection shall be entered using the Sheriff's RIPA specific application. The application can be accessed via a desktop computer, Mobile Data Computer (MDC), or other mobile device connected to the Sheriff's network.
- Per the statute, deputies shall enter all required data as soon as practical, but no later than the end of shift barring extreme circumstances. All entries must be entered within 24 hours of the initial contact.
- All entries shall be completed by the deputy that initiated the detention, arrest or search. The entry cannot be made by another deputy or law enforcement officer. In the event the application cannot be used for technical or logistical reasons, the information shall be temporarily recorded on a SO-210 RIPA Temporary Collection Form until access to the application can be restored, at-which point the data must be entered as soon as practical. Deputies shall not collect RIPA data related to detentions/contacts that occur in a custodial setting. Per the California Department of Justice, "custodial setting" is defined as: correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. Custodial setting does not include home detention or any

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circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

- Deputies are not required to collect RIPA data related to detentions/contacts that occur in a custodial setting at courthouses. This would apply to weapon's screening areas, holding cells and inside of a courtroom when action is taken at the direction of the court.

E. The San Diego Sheriff's Department will conduct audits of the RIPA stop data to verify compliance and accuracy of the data. The department will also review, verify and analyze the RIPA Stop Data. (07-06-20)

### 2.56 Off Duty Intervention

In determining whether or not to intervene, the off duty peace officer should consider the totality of the situation. In a case where action is considered necessary, to prevent death, the possibility of death or serious bodily injury, significant property damage or loss, the off duty peace officer should consider the offense involved, the difficulty that being off duty tactically and operationally presents, and/or other factors as articulated and observed by the off duty peace officer.

If an off duty peace officer intervenes in the criminal conduct, he/she must, if reasonably possible, identify themselves, their agency and their intent to stop the criminal conduct. Any law enforcement action taken by the peace officer will be governed by the policies and procedures, rules and regulations that apply to on duty personnel.

When outside the limits of their jurisdiction, but within the State of California, off duty peace officers may assist any law enforcement officer who appears to be in need of immediate assistance and may assist in the prevention of the commission of any crime involving the immediate danger to persons or property, or of the escape of the perpetrator of the offense.

Off duty peace officers outside the state of California, do not have police officer powers/status and therefore have only the rights and obligations of private citizens of that state. (07-11-08) (Reviewed 1-27-2011)

### 2.57 DUTY TO INTERCEDE

As a Sheriff's Department employee, we represent our organization and are accountable for upholding Department values to maintain public trust. Sworn staff employees have tremendous authority and that authority must be balanced with responsibility to meet the high standards of the communities we serve.

Department training, expectations, and practices require intervention when sworn employees witness or have knowledge of criminal activity (i.e., misdemeanor or felony crimes) or potential excessive force by any department employee or sworn law enforcement officer.

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### Definitions:

Intercede includes, but is not limited to:

- Physically stopping the excessive use of force.
- Recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene.
- Efforts to deescalate the offending officer's excessive use of force and confronting the offending officer about the excessive force during the use of force.
- Reporting to a supervisor or the watch commander on duty or dispatch to have them intercede. The reporting deputy will have to state the offending officer's name, unit, location, time, and situation.

Potential excessive force is defined as force that an employee believes to be beyond that which is necessary, taking into account the possibility that other deputies may have additional information regarding the threat posed by a subject.

### Employee Responsibilities:

All employees, whether on-duty or off-duty, have an affirmative duty to obey all laws and report circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency as per SDSD P&P Section 2.6 *Conformance to Laws*.

All employees, whether on-duty or off-duty have an affirmative duty to report misconduct as per SDSD P&P Section 2.59 *Duty to Report Misconduct*.

### Sworn Staff

Any **on-duty** sworn staff employee who has knowledge of another employee's criminal activity or potential excessive force, has a duty to intercede and immediately report the activity to a supervisor.

Any **off-duty** sworn staff employee who has knowledge of another employee's criminal activity or potential excessive force, has a duty to immediately report the activity to a supervisor.

The presence of a supervisor does not relieve an employee of their duty to intercede and/or report the activity.

A sworn staff employee that has received all required training on the requirement to intercede, and who fails to act upon observing another employee using force that is clearly beyond that which is necessary shall be disciplined up to and including in the same manner as the deputy that committed the excessive force.

### Professional Staff

Any professional staff employee, whether on-duty or off-duty, who witnesses or has knowledge of any criminal activity or potential excessive force by a department employee has a duty to immediately report the incident to their supervisor or internal affairs. The presence of a supervisor does not relieve an employee of their duty to report the activity.

### Supervisor Responsibilities:

Supervisors receiving complaints shall conduct an appropriate investigation and notify their chain of command of the allegation and all actions taken since receiving notification. (12-31-21)

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## **SECTION 2 RULES OF CONDUCT**

**2.58 Law Enforcement  
Gangs**

Employees are prohibited from any participation in a law enforcement gang. Any participation in a gang is grounds for termination. A "law enforcement gang" is a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group. (12-31-21)

**2.59 DUTY TO REPORT  
MISCONDUCT**

Duty to Report Misconduct

All employees both sworn and non-sworn have an affirmative duty to report misconduct. When reporting serious acts of misconduct, employees do not have to adhere to the chain of command. If the misconduct has implications of criminal activity, corruption, or other serious offenses, employees may report directly to the Internal Affairs Unit.

Misconduct is defined as serious or repeated misconduct that violates department policy and procedure, equates to criminal activity, or otherwise evidences a lack of fitness to serve as a peace officer. Examples of misconduct include, but are not limited to, policy violations of truthfulness, discrimination, excessive force, sexual harassment, moral turpitude, or constitutional violations.

Employees have an affirmative duty to cooperate fully during the investigation of an allegation of employee misconduct. (12-31-21)



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### 3.1 RELEASE OF INFORMATION CONCERNING SHERIFF'S PERSONNEL

All inquiries from outside the Sheriff's Department, concerning Sheriff's employees, shall be directed to the Sheriff's Personnel Division. This includes all requests for information from credit agencies, banks, business agencies, city directory agents, and personal friends.

The Personnel Division shall release information at its discretion and may request the inquiring party to mail his/her *request* on letterhead stationery. In the case of city directory and other roster agents, the Personnel Division shall consult with the Assistant Sheriff, Human Resource Services Bureau regarding the release of information.

Any person from another agency requesting to view an employee's (a) personnel file, (b) disciplinary file, (c) training file, (d) background file, and (e) payroll records must submit a signed waiver prior to viewing said file. This waiver must be signed by the employee whose file is being examined.

Sheriff's sworn personnel calling for Sheriff's employee home phone numbers may be given this information by calling the supervisors line at the Sheriff's Communications Center. The sworn employee needing the information will need to have their identity verified. Generally, this will be accomplished by the caller providing his/her Departmental identification numbers/Arjls for a check against the Departmental roster. Requests of a questionable nature or those from Sheriff's civilian personnel are to be referred to a supervisor.  
(06-06-14)

### 3.2 COMPLAINTS AGAINST SHERIFF'S EMPLOYEES

#### ***Receiving Complaints***

*The Internal Affairs Unit is the central controlling point for logging, assigning, investigating, and filing complaints. All formal complaints shall be forwarded immediately to Internal Affairs.*

*Any employee receiving a verbal complaint must decide whether to handle it informally; i.e., verbally, or document the complaint in writing. Employees may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint. If the employee does not believe the complaint has been handled to the complainants' satisfaction, the employee shall notify their immediate supervisor. The supervisor will determine the next course of action.*

*The person receiving the verbal complaint must not handle informally those complaints of a serious nature and/or those complaints which are not resolved to the complete satisfaction of the complainant. When in doubt, the person receiving the complaint shall invite the complainant to complete a citizen's complaint form and forward the original forthwith to Internal Affairs. For the purposes of this section, minor complaints are generally those which allege discourtesy or improper procedures.*

*Complaints of a minor nature, which are received 30 days or more after the date of the alleged incident, will generally not be investigated. If a complaint of this nature is received in written form it shall be the responsibility of Internal Affairs to respond to the complainant. Should the complaint be received orally, the receiving party shall merely explain our policy to the complainant. When in doubt as to the timeliness of the complaint or whether the complaint is minor or major, accept the complaint and forward it to Internal Affairs.*

#### ***Complaints Subject to Investigation***

*Investigations shall be conducted into the following types of allegations:*

- *On-duty misconduct allegations*
- *Off-duty criminal allegations*

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- *Off-duty, non-criminal conduct where the alleged conduct has a reasonable nexus to the accused employee's position as a member of this Department.*

### **Complaints Not Subject to Investigation**

- *Complaints of off-duty conduct lacking a reasonable nexus to the employee's position as a member of this Department.*
- *Complaints that do not involve members of this Department.*
- *Matters that have more appropriate methods of resolution (i.e., traffic court, employee grievance procedure, inmate grievance procedure, civil action, etc.)*
- *Complaints that are not timely (generally 30 days for minor complaints).*

### **Preparation and Distribution of Reports**

*The person receiving the complaint shall complete all applicable sections of the complaint form. The "How Complaint Received" portion should be completed to reflect how the complaint was received (i.e., in person, over the telephone, or via U.S. mail, etc.) The original shall be forwarded to the Internal Affairs Unit.*

### **Assignment of Cases by Internal Affairs**

*If a complaint is initiated at the command level, the supervisor initiating the complaint shall complete a Complaint Form and fax it to the Internal Affairs Unit as soon as practical. If a citizen's complaint is received at the command, a copy of the complaint shall be sent to Internal Affairs via fax as soon as practical. This section shall not apply to vehicle accidents where the sole charge is operation of vehicles.*

*Once the Internal Affairs Lieutenant authorizes the investigation of a complaint, it is assigned a case number, logged and either investigated by Internal Affairs personnel or sent to the appropriate Bureau Commander/Manager for an investigation by a supervisor under his/her command. Reserves, 960 hour Rehires, student workers, interns, contract professionals and volunteer employees are to be handled in accordance with I.A. Manual Section 2.4.*

### **Action Upon Completion of Investigation**

*If the complaint is sustained or some form of misconduct is found to have been committed by an employee, appropriate disciplinary action shall be initiated from within the operational division to which the employee was assigned at the time of the misconduct. (See P & P Section 3.3). With certain exceptions, disciplinary actions against peace officers must be recommended within one year of the discovery of the conduct supporting the charges (GC 3304(c)).*

### **Filing of Reports**

*All complaints and relevant reports regardless of their disposition shall be forwarded to Internal Affairs for filing.*

*All complaints, relevant reports, and their disposition will be kept on file in Internal Affairs. (This material is confidential and maintained only at the Internal Affairs Office and shall be purged at the direction of the Sheriff.)*

### **Notification of Complainant**

*At the conclusion of the investigation, whether investigated by the operational division or Internal Affairs, it shall be the responsibility of the Internal Affairs Lieutenant to notify the complainant of the complaint conclusion.*

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### **Complaint Conclusion**

*The burden of proof in an administrative investigation is "preponderance of evidence," which is defined as such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth.*

*Complaint conclusions are defined as follows:*

*SUSTAINED: A true finding supported by facts.*

*NOT SUSTAINED: Facts revealed do not substantiate the allegation -- insufficient evidence available.*

*UNFOUNDED: Not true. Actions alleged did not occur.*

*EXONERATED: Allegation is true but actions were lawful.*

*RESOLVED: No other method available to close case. (Examples: Unable to locate complainant, employee has separated from employment, etc. (9-15-16)*

### **3.3 DISCIPLINARY PROCEDURES**

#### **Investigations Resulting in Discipline**

- Investigations into alleged employee misconduct can be initiated at any level in the chain of command.
- If the investigation results in a conclusion that some form of misconduct has been committed by the employee, a recommendation for disciplinary action shall be initiated from within the operational division where the employee was assigned at the time of the misconduct.

If at any time during the investigation it becomes necessary for the accused (full-time sworn personnel) to be interviewed regarding an allegation of misconduct, the person conducting the interview shall adhere to all the procedural rights afforded the accused under the Public Safety Officers Procedural Bill of Rights (Government Code Section 3300-3311).

#### **Causes for Disciplinary Action**

- Causes for disciplinary action are specifically set forth in:
  - Sheriff's Department Policy and Procedure Manual, Rules of Conduct (Section 2).
  - Rules of the Civil Service Commission (Rule VII, Section 7.2).
- Personnel will be charged with violations of the Sheriff's Department Policy and Procedure Manual, Rules of Conduct. The Internal Affairs Unit will be responsible for charging disciplined employees with appropriate sections of the Civil Service Rules.

#### **Administrative Assignment**

- Whenever it is deemed necessary, a member of this Department may be placed on Administrative Assignment pending an investigation for an unlawful act or violation of the rules set forth above.

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The supervisor placing a subordinate on Administrative Assignment shall notify the Internal Affairs Unit, via their chain of command, no later than the next working day.

Should the chain of command deem it necessary to keep an employee on Administrative Assignment for an extended period of time it shall be the responsibility of the Internal Affairs Unit to serve written notification of such fact upon the employee.

The written notification of Administrative Assignment shall be from the Assistant Sheriff, Human Resource Services Bureau, and shall elaborate on the conditions set forth below.

- An employee placed on Administrative Assignment will receive notice of the following: That they are temporarily relieved of present assignment (duty station).

Instructions to telephonically report to a specific person at a specific time on a daily basis to receive that day's assignment.

Designations of days off.

The effective date of the assignment, anticipated duration, and reason for the action will be stated.

- During the time on Administrative Assignment, the employee will not lose any vested rights as a member of this Department, and will receive full pay.
- No member of this Department may be suspended without pay until he/she has been officially served a formal order imposing discipline.
- The only exception to this procedure is in the event that circumstances exist in which the immediate removal of the employee is essential to avert harm to the County or the public. (Refer to Civil Service Rules, Section 7.2.1(b)).
- In lieu of Administrative Assignment, an employee may be temporarily reassigned to another command, subject to the provisions of Govt. Code 3303(j).
- Employees who are removed from normal job duties during the pendency of an investigation shall not be removed for longer than 45 calendar days, except where the business necessities of the Department require the removal from normal duties to extend beyond those 45 days. After 45 days, the employee may request a hearing with the Assistant Sheriff, Human Resource Services Bureau to review the continued necessity of the assignment. In any event, the assignment will be reviewed after 60 days, and every 60 days thereafter.

### Discipline Procedures

Following an investigation by the immediate supervisor or Internal Affairs concluding some form of misconduct has been committed by the employee, the package will be forwarded to the second level supervisor for a disciplinary recommendation. If the second level supervisor conducted the investigation, the recommendation should be made by someone else at the second level, or by the third level supervisor.

- Discipline is defined as any of the following:
  - Counseling (as a result of alleged misconduct-informal)

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Written Reprimand  
Reassignment (as a result of alleged misconduct)  
Pay Step Reduction  
Suspension  
Demotion  
Termination

If discipline, other than counseling, is to be recommended, the second level supervisor will initiate the "Notice of Proposed Disciplinary Action" form (AS 1/3) and serve it on the employee. This process informs the employee of the proposed charges and recommended discipline as well as specifying any similarly related priors within the past five years.

The employee does not receive any reports at this time but, upon request, will be allowed to review the reports. The second level supervisor will prepare a report containing the disciplinary recommendation and rationale. The report will document the pre-recommendation discussion with the employee and include whether or not the employee was allowed to review any reports. This report, together with all reports, will be forwarded to the third level supervisor (usually station/facility commander).

- Counseling

Supervisors may make a written record of the facts leading to counseling but it is not the Department's intention that any/all counseling be recorded. If a record is made, a copy of the report shall be placed in the individual's division performance/training file after the counseled employee has read and initialed all the items. (Refer to Section 3.20, Policy and Procedure Manual.)

In any event where a sustained finding, resulting in either counseling or no discipline, is filed in the Internal Affairs Unit, the employee shall have the same opportunity to respond as with a written reprimand.

- For discipline other than counseling, Internal Affairs will prepare the written reprimand or appropriate "Notice of Intent" letter. After obtaining the signature of the third level supervisor, Internal Affairs will serve the employee with the written reprimand or appropriate "Notice of Intent" letter complying with all the provisions required by Civil Service Rule VII, Section 7.2.1. Suspensions of one working day may be administered in the form of a pay step reduction. Discipline of two days or more shall be administered in the form of a suspension.

An employee may request a Skelly Conference for any proposed discipline other than a written reprimand or counseling. (For written reprimand review process, refer to procedures below).

The employee shall have five (5) working days in which to request a Skelly Conference. The Skelly Conference must take place within ten (10) working days of the request for the conference. A waiver of the ten (10) working day limit must be mutually agreeable to both the employee and the conference officer. Failure of the employee to request a Skelly Conference within the allotted time, or failure to appear at the designated time and place without just cause, shall constitute a waiver, and the package will be forwarded to the appropriate level for final decision via Internal Affairs.

Skelly Conference officers will normally be a Sheriff's representative, usually a third level supervisor (station/facility commander not in the employee's chain of command). Where appropriate, due to the employee's rank or position, the Sheriff may be the conference officer, at his discretion.

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Following the Skelly Conference:

The Skelly Conference officer will forward the disciplinary package along with a written summation and recommendation to the Internal Affairs Unit. The disciplinary package will then be forwarded to the employee's Assistant Sheriff/Executive Director, via the chain of command. It will then be forwarded by Internal Affairs to the Undersheriff and Sheriff for final review and approval.

After a final decision has been rendered, the Internal Affairs Unit will prepare the formal final order imposing discipline complying with all the provisions of Civil Service Rule VII, Section 7.3.

The final order of discipline will be signed by the Sheriff or his designee and will be served on the employee by the Internal Affairs Unit. The employee will be advised of all appeal rights at this time.

Discipline should be carried out as soon as possible after service of the order. In the case of suspensions, the employee shall be notified by his/her supervisor of the beginning and ending dates of the suspension. The suspension shall be carried out in consecutive working days.

The employee shall not be allowed to work in any capacity during the period of the suspension.

### **Appeals to Discipline**

The appeal process for members of this Department is as follows:

- **Written Reprimand**

Written reprimands are not appealable to the Civil Service Commission. However, within thirty (30) days of receipt of the reprimand, the employee may submit to the fourth level supervisor a written response to the reprimand. After review by the fourth level supervisor, the written response will be attached to the reprimand and filed in the employee's discipline file. The fourth level supervisor, after review of the written response may elect an alternate course of action in lieu of the written reprimand.

Further review of a written reprimand may be pursued through the grievance procedure applicable to the employee's classification. (Refer to the Civil Service Rules, Rule VII, Section 7.3(c).)

NOTE: Grievance procedures are set forth in the M.O.A. for each classification, and subject to change during annual negotiations.

- **Suspensions and Pay Step Reductions**

Suspensions and temporary pay step reductions are appealable according to the following criteria:

**Permanent Employees:** Have a right to a Skelly Conference and may appeal to the Civil Service Commission. This includes permanent employees who are in the probationary period following a promotion.

**Probationary Employees:** Have a right to a Skelly Conference only.

- **Demotion**

Demotions are appealable according to the following criteria:

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Permanent Employees: Have a right to a Skelly Conference and may appeal the discipline to the Civil Service Commission.

Probationary Employees: Have a right to a Skelly Conference only. This includes permanent employees who are in the probationary period following a promotion.

- Termination

Terminations are appealable according to the following

criteria: Permanent Employees

Permanent employees, including those serving probationary periods following a promotion, have a right to a Skelly Conference and may appeal the discipline to the Civil Service Commission.

### **Skelly Conference**

The Skelly Conference officer usually is a third level supervisor not in the employee's chain of command. The purpose of the conference is to review/hear the employee's written/oral response to a proposed disciplinary action.

Prior to the Skelly Conference, Internal Affairs will provide the employee with copies of all the documents upon which the proposed discipline is based so that an oral/written response to the proposed discipline can be prepared.

At the Skelly Conference the employee may be accompanied by an attorney and/or representative of the employee's choice. (Excluding persons involved in the investigation or the disciplinary action.) In conducting a Skelly Conference, the Skelly officer will be allowed access to the personnel and training files relating to the employee.

At the conclusion of the Skelly Conference, the Skelly officer shall prepare a written summation of the conference with a recommendation of the appropriate charges and discipline to be imposed. The Skelly officer may affirm, reject or modify the original recommended charges and/or level of discipline. The entire disciplinary package is forwarded to Internal Affairs for processing and routing.

Should the Skelly recommendation increase the proposed discipline, Internal Affairs will be required to serve the employee a modified "Notice of Intent", provide the employee with a copy of the appropriate documents and advise the employee of the right to another Skelly Conference.

### **Probationary Employees**

Probationary employees may be "non-retained" as a result of an Internal Affairs investigation but are not entitled to a Skelly Conference. A probationary employee dismissed at any time within the probationary period shall have no right to appeal to the Civil Service Commission in regard to his/her separation. A probationary employee who alleges facts showing a violation of his/her liberty interest shall be entitled to a hearing in accordance with the rules, procedures, and policies implemented by the Civil Service Commission. (See Civil Service Section 4.2.5

A dismissed probationary employee may request a review and/or meeting with the Assistant Sheriff of the Human Resource Services Bureau or his/her designee for the sole purpose of presenting any facts of mitigation.

(04-18-2024)

### 3.4 REPORTING ABSENCES

Any employee who becomes ill during working hours, and/or is unable to complete his or her tour of duty, shall report such fact to his or her supervisor.

Any employee who is not able to report for duty because of injury or illness or any other reason, shall report such fact to that employee's supervisor prior to the time that he or she is supposed to appear for duty. In the event that the employee's immediate supervisor cannot be contacted, the divisional or Departmental supervisor on duty shall be notified.

Employees with off-hour assignment who cannot communicate by other means should use the Communications Center as a communications relay.

Employees absent due to work related injury or illness should refer to Policy and Procedure Section 3.16 for documentation requirements. (01-25-18)

### 3.5 EMPLOYEE PERFORMANCE APPRAISALS

Employee Performance ratings will be based on job related factors without regard to sex, race, color, age, religion, disability or national origin. This process is governed by and written in accordance with DHR Policy and Procedure 1003 and Civil Service Rule V.

#### Monthly evaluations

Monthly evaluations are given to all probationary employees to insure communication between the supervisor and employee and to provide the basis for preparing the formal performance reports. These evaluations should reflect the communicated standards met by the employee and should address any performance deficiencies observed during the probationary months. These probationary evaluations should receive the same chain of command review as the regular performance reports. Although an employee may not appeal a monthly evaluation, they may opt to write a rebuttal in response to it. These evaluations are for Sheriff's Department internal use only and will not become a part of the employee's master personnel file which is maintained by the County's Department of Human Resources.

#### Log Events

The log event section is a tool for supervisors to document employee performance on a monthly basis and provides a record for supervisors preparing an evaluation. All logged events shall be presented to the employee for signature with a signed copy retained in the station file.

Should a supervisor need to document a conversation with an employee regarding a violation of Sheriff's Policy and Procedures, no specific facts of the incident will be entered and the following language shall be used:

On (today's date), I spoke with (employee's name) regarding Sheriff's Policy and Procedure (applicable section), (applicable title).



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Logged events may or may not be memorialized in the annual evaluation based on the employee's overall performance and the supervisor's discretion. If they are included in the evaluation, the inclusion of specific details is appropriate.

### **Formal Performance Appraisals**

The supervisor will complete and present written evaluations to employees within 30 days from the close of the rating period. The employee shall have a maximum of 5 days to consider the performance appraisal before signing. Reports should be forwarded to Sheriff's Personnel for processing immediately after completion so that Personnel can file with the County within the 10 day "after signature" deadline.

Ratings should be based on facts and be sufficiently detailed so that the employee understands the rating. Raters should not be influenced by previous ratings and should never review past employee performance reports in preparation of filling out a current performance report. Any rating other than meets expectations should be sufficiently detailed to support the rating. For professional staff, a rating other than exceeds expectations or meets expectations should be sufficiently detailed to support the rating.

Raters should review and consider current station/division employee performance files which may contain memorandums of discussion, commendations, and letters of appreciation etc... for that rating period. The employee performance file should be purged of materials that are no longer relevant following the yearly evaluation and the completion of any appeals.

When an employee's job performance falls below the established standards of the job, the employee's supervisor shall advise the employee immediately in order to provide the employee the opportunity to improve performance. Repeated or continuing failure to meet established performance standards after appropriate notice is given to the employee is justification for a Does not Meet Expectations rating which may have the effect of delaying pay step advancement.

### **Employee Performance Appraisal Appeals**

Employees are entitled to appeal their Performance Reports according to County of San Diego Human Resources Policy 1003. Hearing Officers may modify performance reports when there has been a clear showing of bias on the part of the rater, when the employee was not previously advised of their work deficiencies, or if any of the information contained in the EPR is factually incorrect. If an employee disagrees with an appraisal but does not want a formal appeal, the employee may prepare a written rebuttal for attachment to the appraisal.

If the employee requests an appeal of the performance report, the Sheriff's Personnel Lieutenant or designee, acting on behalf of the Sheriff, will provide the employee with the names of 3 prospective appeals officers from which to select. The names will be provided from a list of all department professional staff managers and sworn staff, at the rank of Lieutenant and above. Serving as an Appeal Officer is a leadership duty and responsibility expected of all department managers. The Personnel Captain is authorized to excuse a department member from serving as an appeal officer on a given appeal.

The appeals process is as follows:

- The appellant has seven days to select an appeals officer from the choices provided. If the appellant does not select an appeals officer within the given time frame, a second notice will be provided. If there is still no response the appeal is considered withdrawn.
- The chosen appeals officer is notified by the Personnel Division and is provided with a copy of the disputed evaluation, DHR Policy 1003, a sample report and a hearing officer's guide.
- The appeals officer must meet all parties involved in the investigation within 30 days of appointment.

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- The employee is entitled to bring a representative to the appeal hearing to assist in the discussion and/or presentation of material supporting the employee's position in the matter.
- The appeals officer will prepare and submit a report including their findings and recommendations to the Assistant Sheriff of Human Resources, via the Personnel Captain, within five days of meeting with all of the involved parties.
- The appeals officer must not change the performance report unless all or any of the following criteria apply:
  - A Clear finding of bias
  - The employee was never advised of work deficiencies
  - The information in the performance report is factually incorrect
- If the appeals officer recommends changes to the evaluation, the appeals officer will re-write the evaluation, sign the appeal review completion line, and attach a signature page for the Personnel Captain and the Assistant Sheriff of Human Resources.
- The Assistant Sheriff shall consider, but is not bound by, the appeal officer's findings and recommendations within 5 calendar days of submittal.
- If the Assistant Sheriff concurs with the appeals officer, it will be noted on the signature page and the reports returned to Personnel.
- Any changes or modifications recommended by the Assistant Sheriff will be executed by the Personnel Captain or designee.
- If the Assistant Sheriff does not accept the Appeal Officer's recommendations, he/she shall serve the employee with the Appeal Officer's report and written notice of the intended decision.
- The employee may respond to the intended changes in writing to the Assistant Sheriff within 5 calendar days of receipt of the intended decision.
- The Assistant Sheriff's final decision and a copy of the final performance appraisal shall be issued within 10 calendar days and may not be appealed to the Civil Service Commission.
- The time limits in the appeals process may be modified by mutual agreement of the parties.  
(06-17-14)

### 3.6 GRIEVANCE RECORDS

All written grievances shall be forwarded to the Employee Relations Manager upon the resolution of the grievance, or when all procedural steps have been exhausted.

All grievances submitted to Employee Relations shall be logged and stored in a secure, locked container, preventing access to unauthorized persons.

Annually, the Assistant Sheriff, Human Resource Services Bureau shall prepare for EMT review, an analysis of grievances that include number, type, resolutions and comparison to prior years. (08-05-11)

### 3.7 OUTSIDE EMPLOYMENT

An employee of the Sheriff's Department intending to engage in outside employment shall disclose the proposed employment in writing via the chain of command to his/her Facility Captain/Division Manager, who will determine if the intended employment would conflict with County duties.

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An electronic copy of form AUD 263 (Disclosure Statement Card) shall be distributed to all employees twice a year (August and February) by the Personnel Division via SharePoint. All employees are required to complete this form regardless if they have outside employment or not and send it to their supervisor via email. Once approved, all supervisors will submit the disclosure statements to the Personnel Division using an email provided by the SharePoint notification. Those with outside employment shall also complete Form PER 20 and route via the chain of command to his/her Facility Captain/Division Manager. Completed AUD 263 and PER 20 forms shall be retained in the Personnel Division for a period of 3 years. These forms shall be made available for audit purposes to the Auditor and Controller.

If any employee of the Sheriff's Department receives an assignment of work that relates to any organization, property or activity in which the employee or a member of the employee's immediate family has an interest, he/she shall report such interest, in writing, to his/her Facility Captain/Division Manager.

Since respect for law enforcement officers is paramount to their ability to perform their job, engaging in outside employment which would bring discredit, disrespect or embarrassment to that officer and/or his employing agency would be considered incompatible and in conflict with the officer's role as a peace officer. Government Code section 1126 sets forth factors, which, in and of themselves, create conflicts of interest.

Outside, or off duty employment is considered to be in conflict if it brings discredit or disrepute upon this agency and/or:

- Any outside employment which results in receipt of telephone calls or visitors by the employee while on duty at his/her County employment.
- Any publication for private gain of reports, studies or other written materials that were prepared on County time or utilized County facilities, equipment and/or materials, except when specifically authorized by the Sheriff.
- Any outside employment which would interfere during business hours with the full time devotion and attention of the employee to the duties and responsibilities of the Sheriff's Department.
- Any employment which involves the use of the badge, uniform, gun or influence of the individual's County employment for private gain or advantage including the following:
  - The direct or indirect soliciting, seeking or accepting of personal loans, gifts, gratuities, business compensation or favors from the general public, private business firms or their agents who deal with the Sheriff's Department or any other agency or Department of the County of San Diego.
  - The using of information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.
  - Any employment which is in conflict with the duties and responsibilities of the employee's Department, including those prohibited activities as set forth in Government Code 24004.
  - Any outside employment which will impair the employee's independence of judgment as to his/her County employment.
  - Any outside employment which will require or induce an employee to disclose confidential information acquired in or during the course and scope of his/her County Employment.

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- Any employment which involves time demands which render the performance of County duties less efficient.
- Any employment which involves the receipt by employee of monies or other considerations from private parties for the performance of acts which the employee is expected to render in the regular course of duties as a County employee, including any consultation work for a fee or other remuneration concerning the application or interpretation of orders, directives or other communications of the Sheriff's Department or any other agency or Department of the County of San Diego.

Examples of outside or off duty employment for SWORN staff which are not permitted, include, but are not limited to (These are examples and are not to be construed as a complete list):

- Security Guard
- Private investigator
- Bartender
- Bouncer
- Process server
- Repossessor
- Debt/loan collector
- Legal practice of criminal defense
- Employment in any gaming establishment: Card dealer, handicapper, change maker, caller, machine repair person, keno runner, pit boss, table waiter/waitress
- Bodyguard
- Employment as a "keeper"
- Funeral Escort where traffic control or the wearing of a uniform which resembles that of a peace officer is required
- Work for an employer who has been convicted of a felony or who openly associates with convicted felons.

Examples of prohibited outside employment for PROFESSIONAL staff include, but are not limited to:

- Legal practice of criminal defense
- Bail bond agencies

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- Work for an employer who has been convicted of a felony or who openly associates with convicted felons.
- Attorneys assigned to Legal Affairs in the Office of the Sheriff are prohibited from private practice of law.

### **APPROVAL GUIDELINES**

The employee's Facility Captain/Division Manager will approve or disapprove requests for outside employment based on a supervisor's determination of the following:

- The employee's work performance (employee must be rated meets expectations);
- The employee's medical restrictions, injury or sick leave status;
- The nature of the proposed employment or enterprise (as outlined above).

### **OBTAINING APPROVAL**

No member of this department may engage in any outside employment without first obtaining prior written approval.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Form which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through chain of command for consideration. If approved, the form will be forwarded to Sheriff's Personnel for placement in the employee's personnel file.

If approved, the employee will be provided with a copy of the approved outside employment request form. Unless otherwise indicated in writing on the approved request, authorization will be valued through the end of the calendar year in which the request is approved. Any employee seeking to renew a request shall submit a new Outside Employment Form each year when the Disclosure Cards are sent out.

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 denial (Penal Code 70 (D) (3))

### **APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If the Facility Captain/Division Manager disapproves the intended outside employment, he/she shall notify the employee within 10 days of that determination and state the rationale for the disapproval. The employee may appeal that decision in writing to the Bureau Assistant Sheriff/Executive Director.

### **REVOCAION/ SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permit may be revoked or suspended under the following circumstances:

- 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 supervisor 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 recommend reinstatement of the outside employment permit.

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- 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.
- 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.

Should any employee engaged in approved outside employment become injured or otherwise incapacitated to the extent that the employee is unable to perform the duties of his/her County position, that person must obtain reconfirmation of the prior approval before continuing that outside employment. (05-15-20)

### 3.8 JURY DUTY

#### Summons

When summoned for jury duty, an employee is to inform his/her supervisor, in writing of the notification to serve on jury duty. The notification is to include the dates involved so that necessary scheduling changes can be made.

To be eligible for paid jury duty leave, an employee must receive a "Summons to Appear for Jury Duty" from a Superior or Federal Court located in the County in which the employee resides. A photocopy of the summons must be made prior to reporting for jury duty, where the employee will be required to submit the original. When reporting for jury duty, the employee must obtain a time card from the Jury Commissioner, which will be stamped with the employee's arrival and departure times. The photocopy of the summons and the time card must be submitted with the employee's time sheet.

When the employee's supervisor determines that the employee's serving on jury duty, at that time, would seriously impact effective operations, the supervisor will instruct the employee to obtain a waiver form for "undue hardship" from Sheriff's Legal Affairs. The form must be signed by the station/facility/substation/ division commander and it must be presented to the Jury Commissioner's Office. There is no guarantee that the request will be approved by the Jury Commissioner.

#### Jury Duty Fees

Employees of the Sheriff's Department who receive full pay and benefits from the Department while on jury service are not entitled to collect juror fees. This section does not apply to Sheriff's Department volunteers (Senior Volunteers, Reserves, SAR Volunteers, etc.).

The fees received for jury duty will be handled as follows:

- Employees serving on a jury, including a criminal grand jury, are not entitled to retain the jury duty fee if they are on paid jury duty leave. If the court issues a check for jury duty fees, the employee should ask that it be addressed to the County of San Diego and turn it over to Sheriff's Financial Services when they complete their duty.
- Employees serving on a jury on their scheduled day off or outside of their normal work hours may retain the juror fee.

#### Vehicle Usage

- If an individual utilizes a County vehicle to travel to and from the jury duty location, he/she will submit the mileage fee to the Financial Services Division for subsequent deposit with the County Treasurer.

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- If an individual utilizes a private vehicle to travel to and from the jury duty location, he/she is entitled to retain the mileage fee.

If questions arise as to the proper disposition of jury duty fees, contact the Sheriff's Financial Services Division 858-974-2230. (2-2-09) (Reviewed 4-8-2011)

### 3.9 FEES FOR APPEARANCE IN CIVIL CASES

A County employee may retain witness fees under the following conditions only:

- The testimony concerns matters learned by the employee in his private capacity, that is outside the course of his/her employment; and
- The court appearance occurs while off duty and the employee did not receive overtime compensation.

Witness fees may not be retained if the testimony concerned matters learned in the scope of employment. If the employee was paid by the County for the time spent in court attendance, the witness may not retain the fees. His/her expenses may be reimbursable pursuant to applicable administrative code provisions relating to out-of-county travel.

Witness fees that may not be retained are to be turned over to the Financial Services Division for deposit with the County Treasurer. If an employee is subpoenaed to appear as a witness, and such appearance takes place on his/her own time, overtime compensation will be granted. Policy and Procedure Section 6.124 provides guidelines for handling legal paper.

Any questions relating to this procedure should be directed to the Financial Services Division (S59) 974-2231. (07-13-98) (Reviewed 5-1-13)

### 3.11 HAIR AND GROOMING STANDARDS FOR SWORN PERSONNEL AND COMMUNITY SERVICE OFFICERS

#### Hair (Men)

- Front and Sides - Hair may be worn at any length on the front and sides, as long as it cannot be extended into the eyes from any part of the head, thereby interfering with the employee's vision.
- Back - Hair may be cut in any style, as long as it does not extend beyond the top of the uniform shirt collar when the head is held erect.
- Hair shall be kept neat, clean, and well-groomed at all times.
- Sideburns shall be trimmed so that they do not extend beyond the bottom of the earlobe, and do not flare more than one inch wider at the bottom than the width of the sideburn.

#### Facial Hair

Mustaches are permitted to extend no further than the smile crease line, and not more than one-quarter inch below the corner of the mouth. Mustaches are not to extend below the upper lip line and shall be neatly trimmed at all times.

Beards are not permitted.

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Deviations from the established standards may be permitted by supervisors because of unique duty assignments such as undercover operations, surveillances, recruit academy, or regular contact with certain segments of the community.

Deviations shall be requested in writing and justified to the appropriate Bureau Commander.

It shall be the responsibility of each supervisor to ensure that employees adhere to these guidelines.

### **Hair (Women)**

Hair shall be kept neat, clean, and well-groomed at all times and worn to a length that is parallel with an imaginary line between the top of the shoulder patches. This applies to ponytails, clips or loose hair.

### **Nails (Women)**

Employees shall wear their fingernails at a length which does not interfere with the performance of their duties and which would not be cause for injury if broken in the performance of their duties. Clear or muted tones of polish is permissible, however, bright colors of fingernail polish for uniformed employees will not be allowed. (04-21-22)

## **3.12 UNIFORM REQUIREMENTS, DRESS AND APPEARANCE – ALL PERSONNEL**

Complete uniform specifications for all personnel are available through the Personnel Division and are listed on the Sheriff's Intranet under Human Resources/Personnel/Uniform Committee/Uniform Specifications. Uniform stores have the specifications and are obligated to provide approved uniforms and equipment. All procedures pertain to sworn personnel unless designated otherwise.

### **Uniform Wear – General**

All uniforms shall be worn in a clean and neatly pressed condition. Repair work to uniforms shall be done in such a manner so as not to be obvious to the public.

Specified uniforms and related items, including insignias, may be worn only in assignments as designated.

Metal nametags and badges will be kept free of tarnish.

Footwear and other leather items shall be maintained in a clean condition, with scuffed and scraped areas dyed and refinished.

The Sheriff's uniform shall be worn only while in the course and scope of official duties.

In unmarked vehicles that are code 3 equipped, drivers have the option of wearing a cover shirt while driving to and from work.

Sheriff's Uniform refers to the uniform worn by sworn employees, Community Service Officers, Senior Volunteers, and Department Chaplains.

### **Uniform Wear – Specific**

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Class "A" uniform will be worn for all promotional ceremonies and awards ceremonies where you are a recipient. If you are working in an undercover capacity and you have long hair or facial hair that is in violation of the uniform standards, you may wear a business suit.

Class "B" uniforms are required for all competitive positions and promotional interviews. If you are working in an undercover capacity and you have long hair or facial hair that is in violation of the uniform standards, you may wear a business suit.

Class "A", "B", "C", and "D" uniforms shall be worn as directed by the Assistant Sheriff.

In lieu of full leather, uniformed personnel while performing administrative assignments or duties as approved by their station/facility/division commander may wear their firearm on the trouser belt with a paddle or belt-slide holster in black leather that incorporates a thumb break retention strap, level I or higher security.

### **Appearance Uniform**

#### **Wrist Bands/Bracelets**

Ornamental wristbands and/or bracelets shall not be worn while in uniform.

#### **Necklaces**

Necklaces or neck chains, if worn, shall not be visible.

#### **Earrings and Pierced Jewelry**

Only female uniformed personnel with pierced ears may wear post-type (stud) earrings. The earrings shall be silver or gold in color without decoration. Only one pair of earrings may be worn at any one time. White or clear stones are optional without decoration. Earrings will be spherical in shape and worn in the lower section on the ear lobe.

Non-uniformed professional staff may wear earrings in the ear lobe. No more than two earrings per ear.

Sworn and Professional Staff will remove all other visible pierced jewelry while on duty.

#### **Body Art**

The provisions of this subsection apply to both sworn and professional staff who have direct contact with the public.

While on duty and in uniform or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. The body art should be concealed by wearing a long sleeve shirt or a concealment sleeve matching the employee's uniform. At no time while on duty or while representing the Department in any official capacity shall any tattooed surface exceed (25%) of the exposed body part.

Sheriff's employees are prohibited from having any tattoo upon the neck, face or head. Any tattoos or other body art that depicts or associates with a gang or illegal activity, is racist in nature or denigrates another race, religion or sexual orientation, is prohibited anywhere on the body. All body art that depicts an image that is contradictory to the Mission, Vision and Values of this department is prohibited and must be covered.

Personnel participating in specific investigations in which visible tattoos may assist in developing investigative credibility may be exempted from the provisions of this section with the expressed written consent of the Sheriff or designee.

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### **Watch Bands**

Watch bands shall not be wider than the watch itself.

### **Gloves**

Deputies shall remove their gloves when conversing with members of the public.

### **Hats**

Campaign hat may be worn as an option for Class "B" and "C" uniforms. The hat will not be worn with the authorized uniform shorts, jumpsuits, or class D uniform.

The authorized Stetson hat can be worn with class B or C uniform, but not with shorts or the black jumpsuit.

The authorized baseball hat may be worn as an option to class C or class D uniforms. When the hat is worn, the bill of the hat must be worn centered with the bridge of the nose.

Approved cold weather hats; the "trooper pyle cap" (for Rural Law Enforcement only) and the black knit cap, shall be worn by sworn personnel who are in assignments where the majority of their time is spent outdoors. Generally, cold weather hats should only be worn during the months of October through April if conditions are appropriate for cold weather gear.

Any hat must be removed when entering a building unless doing so would compromise deputy safety or the wearing of the hat is in an official capacity such as the Honor Guard or in a formal Academy setting.

### **Sunglasses**

Non-mirrored lenses, frames to be dark or neutral in color, including black, dark gray, silver or gold. Officers shall remove their sunglasses when conducting official business with the public unless strong sunlight makes it unsafe or impractical. Sunglass holders (i.e., Croakies) may be worn in black only.

### **Handcuffs**

All handcuffs shall be carried in cases. Double cases are acceptable.

### **Chemical Agents**

Chemical agents shall be carried in an unobtrusive manner by authorized personnel.

### **Helmets**

To be worn when directed by a supervisor or when in the deputy's opinion wearing of the helmet is warranted.

### **Batons**

Batons, either Department issue or Department approved upon certification by the Training Division, will be worn in an appropriate ring, case or holder.

### **Knives and Expandable Batons**

See Personnel's website for knife specifications and a list of approved expandable batons.  
<http://ssp.sdsheriff.com/HRB/Personnel/UniformRegulations/default.aspx>

### **Saps**

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Shall be carried in an unobtrusive manner with the hand or wrist strap turned to the inside or tucked into a pocket.

### **Duty Suspenders**

Duty suspenders (Optional Personal Equipment for Duty Use): May be used with all authorized uniforms, except for the Class "A" uniform and **only UNDER the uniform shirt**. The straps can be exposed through "button-hole" type slits in the shirt no more than 2" from the top of the duty belt. The "button-hole" slits must be reinforced with standard button-hole stitching. The suspenders must be made of black nylon or smooth black leather (no patent leather) and a width no larger than 2". They must transfer the weight of the duty belt from the hips to the shoulders and incorporate a breakaway snap design as a safety feature.

### **Soft Body Armor**

Soft body armor shall be worn with both the front and rear vest panels by uniformed Law Enforcement field personnel; Community Service Officers; personnel assigned to CSB weapons screening duties, CSB bailiff duties and Detentions/Courts personnel during assignments outside the secured confinement of a detention facility. Division commanders may authorize removal of soft body armor when conditions exist which could adversely affect the employee's mental or physical condition or impair the employee's ability to effectively perform his/her duty.

### **External Vest Covers**

Only Department approved external vests shall be worn. Firearms and Conducted Energy Devices (CED) are prohibited from being worn on an external vest cover with the exception of hide out or back-up firearms. All other items like knives, batons, or OC spray need to be concealed and worn in an appropriate pouch or holster. Additional pouches need to match the color of the vest cover.

The below units are authorized to wear the green external vest as part of their daily uniform. If the external vest is worn as a daily uniform, the below units shall wear a black polo shirt with San Diego County Sheriff shoulder patches on the left and right shoulder.

- Rural Enforcement
- Crime Suppression Team (CST)
- Criminal Apprehension Team (CAT)
- Gang Enforcement Team (GET)
- County Parole and Alternative Custody (CPAC)
- Border Crime Suppression Team (BCST)
- Community Involved Vocational Inmate Crew Services (C.I.V.I.C.S) unit

Specialized units such as Canine, COPPS, SRO's, Community College SRO's, Railway Enforcement Team, SPO's, and Detectives are authorized to wear the green external vest only during the below law enforcement operations. If time allows, the aforementioned specialized units and Detectives electing to wear the green external vest shall also wear the appropriate black polo shirt with patches.

- High risk directed patrols targeting prolific offenders
- Probation/Parole searches
- Service of search and arrest warrants

The external vest is not to be worn during routine patrol functions with the exception of Rural Enforcement. The external vest shall not be worn to court, during school presentations, City Council meetings, formal meetings, community events or community presentations.

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The Off-Road Enforcement Team (ORET) may wear the green external vest, long sleeve shirt and pants specific to their job that offers the safest uniform possible during law enforcement activities or community related events.

The Transportation Detail is authorized to wear the black external vest in conjunction with the black uniform shirt, pants or jump suit.

### **Full Duty Leather**

Full duty leather shall include the following safety equipment: gun belt and holster, handgun, spare magazines, handcuffs, OC spray, approved impact weapon and TASER if TASER trained.

### **On Duty Civilian Attire**

#### **All Sworn Personnel**

Each sworn person whose duty assignment requires wearing of civilian attire shall present an appearance that will engender public confidence and acceptance. Such attire shall conform to traditional business and professional appearance and shall be contemporary

#### **Male Personnel – Sworn**

Acceptable dress for male personnel shall include a suit or a color coordinated sports coat or blazer, and dress or neatly pressed cotton slacks including cotton wool or a combination of fabric blends and dress shirts. If a belt is worn the buckle shall not exceed 3" tall and 4" wide. Neckties and socks may include current contemporary fashion designs. Footwear may include dress boots, oxford or slip on style shoes. Neckties need not be worn during the months of May through October or when the temperature exceeds 85 degrees during other months.

#### **Female Personnel – Sworn**

Acceptable dress for female personnel shall include suits, dresses, color coordinated skirt/slacks and blouse combination or shirt/slacks and sweater combination, and appropriately styled footwear.

Skirts and dresses should be of moderate length.

#### **Professional Staff Attire/Casual Fridays (Non-Uniform Personnel)**

For males, slacks, jeans, sport shirts, sweaters, loafer type or clean and neat tennis shoes are appropriate. Faded and/or worn jeans, work out clothing, sweats, and T-shirts or sweatshirts with commercial advertising or offensive or suggestive items would not be appropriate. T-shirts and sweatshirts that would be appropriate may include Sheriff's Department logos, sports related logos, and those with prints or other appropriate themes.

For women, casual slacks, jeans, blouses, sweaters, flats, or clean and neat tennis shoes are appropriate. Faded and/or worn jeans, work out clothing or warmups, and T-shirts or sweat shirts with commercial advertising or offensive or suggestive items would not be appropriate.

T-shirts or sweatshirts that would be appropriate may include Sheriff's Department logos, sports related logos, and those with prints or other appropriate themes.

Each command is responsible for ensuring proper dress of employees. This more casual professional staff civilian attire is intended for those personnel whose assignment permits such. It is not intended for those positions where public contact is the majority of their job assignment.

Casual Friday is authorized for all non-uniformed personnel.

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### Hot Weather Attire

A necktie need not be worn by civilian attired male personnel with temperatures in your assigned area is forecast to be or reaches 85 degrees or higher.

Dresses, suits or sport coats and slacks with neckties are still required for court appearances, business or formal meetings.

### Supervisory Responsibility

Deputies shall not deviate from the uniform requirements without prior specific authorization from their superiors.

Deviations from this policy may be permitted by shift or unit supervisors due to unique duty assignments such as undercover operations, surveillances or special details. Deviations are not to be more stringent than the approved policy, except the exemptions listed under P&P 3.13 Level 4- Casual Fridays.

All supervisory personnel, management and command staff, are responsible for setting an example, and will be held accountable for the appearance of their subordinates.

Additionally, they shall initiate immediate corrective action upon observing deficiencies or violations of this policy by any member of this Department and shall also report such deficiencies to the individual's command.

If corrective action cannot be taken immediately, they shall report such deficiencies or violations to the individual's command, which will then initiate corrective action. (11-10-22)

### **3.13 DRESS CODE FOR PROFESSIONAL STAFF AND SWORN STAFF OUT-OF-UNIFORM**

The following established standards of attire reflect a professional image for our Department. These standards also accommodate the requirements of diverse job functions. Command staff will determine what level is appropriate for each division/facility/station and/or if any exceptions are appropriate based on assignment.

#### **Level 1-Court Professional**

This is the highest-level dress category for Department professional staff, and for sworn staff who are authorized to wear civilian attire. This level is appropriate when attending court, public meetings, hearings, sessions, or other similar events where representing the Department in a professional or public setting. All clothing will be of a conservative cut and style, and subdued color. Accessories such as neckties, socks, and purses may include contemporary fashion designs that blend well and do not detract from the overall professional appearance that is desired.

#### Examples of Appropriate Attire:

Business Suits  
Business Dresses  
Sports Coats or blazers  
Long sleeve dress shirts with collars suitable to be worn with neckties  
Neckties  
Dress Belts  
Dress Socks (not white)  
Dress Hose  
Dress Shoes

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### Examples of Unacceptable Attire:

Fishnet hose

Belts with big, flashy buckles

### **Level 2-Business Professional**

Business Professional attire reflects a professional level of dress between Court Professional and Business Casual attire.

### Examples of Appropriate Attire:

Dress shirts (with or without a tie, according to seasonal standards – a tie need not be worn during the months of May through October or when the temperature exceeds 85° during other months).

Sports coats are optional.

Dress Slacks

Sweaters

Business Dresses

Blouses

Skirts

Dress Shoes

### Examples of Unacceptable Attire:

Denim pants

Polo shirts

Sweatshirts

Athletic shoes

Hiking Boots

\* All pants must be clean, without holes or fraying and not overly distressed.

### **Level 3-Business Casual**

Business casual dress reflects a comfortably relaxed version of classic business attire, with no sacrifice of professionalism.

### Examples of Appropriate Attire:

Casual slacks \*

Denim pants (no blue jeans) \*

Long or short sleeved shirts

Sweaters

Polo shirts

Sweatshirts

Dresses

Blouses

Dress Shoes

Athletic shoes (must be clean and without holes)

Hiking Boots (must be clean and without holes)

Jacket and Tie are optional

\* All pants must be clean, without holes or fraying and not overly distressed.

**Note:** Jeans (no blue jeans) and athletic shoes are acceptable if they are clean, without holes or fraying, and are not overly distressed; the kind of jeans you would not be embarrassed to be wearing if a client or important business colleague paid an unexpected visit.

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### Examples of Unacceptable Attire:

Blue jeans  
T-shirts

### **Level 4-Casual Friday**

The Casual Friday program allows employees to wear more relaxed clothing than business casual attire. However, employees are responsible for ensuring that their dress and grooming project a positive image to clients, customers, vendors, and to the public. Casual Friday clothing should be appropriate for an office environment. It is clothing that allows you to feel comfortable at work, yet always look neat and professional.

It should be noted that this program does not apply to those that will be attending formal business meetings and/or secretaries greeting guests for business meetings held on Fridays. However, employees may change into casual Friday attire after such meetings. In addition, at the discretion of management, the casual Friday program may be suspended for special events.

**The Casual Friday program applies to the actual day of the traditional workweek--Friday, not an individual's work schedule.** In other words, employees who have Fridays off will not observe Casual Fridays.

### Examples of Appropriate Attire:

Casual slacks  
Capri pants (shorter than mid-calf unacceptable)  
Sports shirts  
Sweatshirts  
T-shirts  
Skirts  
Dresses  
Blouses  
Sweaters

**Note:** Jeans and athletic shoes are acceptable if they are clean, without holes or fraying, and are not overly distressed; the kind of jeans you would not be embarrassed to be wearing if a client or important business colleague paid an unexpected visit.

### **Level 5-Utilitarian Professional Staff Attire**

Employees in particular divisions may be required to wear specific articles of clothing, as defined in the employees' M.O.A. All full and partial uniforms shall be maintained in a neat and clean condition, and will be worn as intended.

### **Inappropriate Attire**

Managers and supervisors have the discretion to determine the appropriateness of clothing and appearance of employees during work hours and to take action as necessary to ensure the guidelines are met. The expectation of the Department is that all employees will make work clothing choices that:

1. Present a professional image, and
2. Take into account the functions the employee is assigned to perform.

Any employee who fails to comply with the guidelines will be sent home to change into appropriate attire. The time required to go home and return **will** be charged to the employee's vacation or comp time, or charged to leave without pay if the employee is out of vacation or comp time.

Examples of never-appropriate clothing include, but are not limited to:

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- culottes, split skirts and skorts (unless fully cut to resemble a skirt)
- overalls
- clothing with inappropriate or offensive logo/advertising
- sweatpants or workout attire (to include stretch-type pants such as spandex, leggings and bike or running pants)
- shorts
- beach attire
- halter or tank tops
- dresses or skirts that are excessively short (the length should be long enough to appropriately cover the wearer's body when bending, stretching, kneeling and sitting)
- sheer clothes or clothing that is otherwise revealing
- flip-flops or beach-type sandals
- patched or torn clothing

Exceptions may be made by the manager/supervisor due to medical or safety reasons. Verification will be required.

### **Attire for Formal Events/Awards Ceremonies**

Sworn personnel receiving formal recognition shall wear the Class "A" uniform without gloves. If this is impractical (undercover employees, employees with injuries, etc.), they shall wear Level 1 Court Professional attire as defined above. Professional staff receiving formal recognition or simply in attendance shall wear Level 2 Business Professional attire. Sworn personnel not receiving recognition choosing to wear a uniform shall wear the Class "B" uniform with tie, polished shoes and polished leather gear. Sworn personnel not receiving recognition shall wear the uniform of the day or Level 2 Business Professional attire. Gloves will be worn with the Class "A" uniform at funerals and memorial services.

### **Non-uniform Attire for Attending Training**

While attending training, Sheriff's staff is representing of our department. As such, they need to maintain a standard of dress reflective of our professional outlook. Business casual attire (Level 3) will be the level required for attending training, if not in uniform. For unique training situations, instructors may relax this standard to a Casual Friday (Level 4) standard. In extreme training circumstances, the instructor may specify athletic clothing.

### **Shift Work**

Except for Casual Friday (as defined above) the attire for staff working night shifts, weekends and holidays will be Level 3-Business Casual in facilities open to the public (i.e., jails). Staff working in facilities closed to the public (i.e., stations) are authorized Level 4-Casual Friday. (03-21-12)

## **3.16 OCCUPATIONAL INJURIES, ILLNESS OR DEATH**

The procedures in this section apply to employees at any level in the Department, paid or volunteer.

### **Medical Attention**

The employee shall immediately, or as soon as possible, report the injury to his or her supervisor. As with any injury, prompt medical attention is important. If the employee is seriously injured, and the condition is of a true emergency nature, the nearest emergency room is the most prudent place for medical care.

If the injury occurs between 1700 and 0800 hours, or on a weekend or holiday, the employee may seek treatment from any 24-hour medical facility on the approved provider list. All follow-up treatment shall be conducted at one of the approved providers unless the employee has pre-designated a physician and it is on

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file with either the Sheriff's Medical Liaison Unit or with the County, Department of Human Resources, Workers' Compensation Division.

For injuries occurring during Monday through Friday, 0800 to 1700 hours, employees shall go to one of the County approved medical providers listed on the Medical Providers Notice. All follow-up treatment shall be conducted at one of the approved providers unless the employee has pre-designated a physician and it is on file with either the Medical Liaison Unit or with the County, Department of Human Resources, Workers' Compensation Division. A notice of approved medical providers shall be posted on the Risk Management Web site and in a conspicuous place, accessible to all employees at each Sheriff's facility. The Medical Liaison Unit will provide copies of this notice upon request or when changes occur.

### **Injury Reports**

Occupational injury reports shall be completed whenever a job related injury occurs.

The injured employee must be provided an "Employee's Claim for Workers' Compensation Benefits" Form DWC-1, within 24 hours. In addition, the employee shall complete the "Report of Occupational Injury (MLU-4)" worksheet whenever that employee is injured on the job. It is the supervisor's responsibility to see that the worksheet is "faxed" to the Medical Liaison Unit no later than the next business day after the injury or illness. After sending the fax, the original will be forwarded to the Medical Liaison Unit by messenger mail.

The supervisor shall then complete a "Supervisor's Accident Investigation Report (RM-3)". This report will be routed to the Medical Liaison Unit no later than the next business day following the injury or illness.

If the employee's injury or illness requires medical treatment, a "Medical Disability Status Report (MLU-1)" must be completed by the employee. The MLU-1 serves as a doctor's note, prescription for any work restrictions, absences from work and/or is to restore the Light Duty employee's leave balances when their balances are used for release time. Release time will only be granted to those employees who are on Light Duty and not for employees who are Full Duty, or have reached a Permanent and Stationary status on an injury. The MLU-1 must be completed and signed by the treating physician or therapist, and submitted to the employee's supervisor. A new MLU-1 form is required each and every time the employee is seen by a physician or therapist. The supervisor shall route this form to the Medical Liaison Unit no later than the next business day from the day it is received from the employee.

The Workers' Compensation Code of Regulations requires the treating physician to provide a progress report every 45 days from the last report if continued treatment is being provided. It is the employee's responsibility to see that their supervisor and the Medical Liaison Unit is updated with the MLU-1 form every 45 days, or sooner, and to schedule follow up examinations and re-checks within this period to avoid interruption of benefits.

### **Light Duty and Temporary Total Disability Status**

Anytime an employee is placed on Light Duty or Total Temporary Disability due to a work related injury the absence or Light Duty work restrictions must be verified in writing by the treating physician on a MLU-1 form. The MLU-1 will be submitted to the employee's supervisor before the employee can return to work. The supervisor will forward the MLU-1 to the Medical Liaison Unit.

The Medical Liaison Unit makes all limited duty assignments and may call upon the facility administrative or station operations sergeant for any follow up or questions that the Medical Liaison Unit may have regarding an employee's status. Refer to Policy 3.34 for additional details regarding the Light Duty Policy.

### **Pre-designation of Personal Physician**

If the employee fills out a "Pre-designation of Personal Physician form prior to the date of injury, the employee has the right to be treated by that physician for any work related injury. "Personal Physician" means a Doctor of Medicine, a Doctor of Osteopathy, who prior to the injury, has directed the medical treatment of the employee or who retains the employee's medical records and medical history.

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An employee who completes this form may be treated by their personal medical doctor (M.D.) or doctor of osteopathic medicine (D.O.O) if that physician meets the criteria outlined on the form. The form must be signed by the employee and by their treating physician and then returned to the Medical Liaison Unit, prior to the date of injury.

### **Pre-designation of Personal Chiropractor or Personal Acupuncturist**

If the employee completes a Pre-designation of Personal Chiropractor or Personal Acupuncturist form prior to the date of injury, the employee has the right to be treated by that chiropractor or acupuncturist for any work related injury, after the initial 30 days of treatment. An employee who completes this form may be treated by their personal chiropractor or acupuncturist if that physician meets the criteria outlined on the form. The form must be signed by the employee and their treating Chiropractor or Acupuncturist prior to the date of injury.

The Pre-designation forms are available from the Medical Liaison Unit or they may be found on the Risk Management Web Site, under forms. It is the employee's responsibility to see that this form, or any updated form is received and is on file with the Medical Liaison Unit. (09-29-11)

## **3.19 CAREER DEVELOPMENT FOR SWORN PERSONNEL**

### **General Assignment Procedure / Law Enforcement Deputy Sheriffs**

- Newly appointed law enforcement Deputy Sheriffs, upon graduation from the Academy, will generally be assigned to Detention Services Bureau, Court Services Bureau or Law Enforcement Services Bureau.
- Lateral entry Deputy Sheriffs will generally be assigned as above, depending upon the individual's skills and the Department's needs.

### **Deputy Sheriffs-Detentions/Courts**

- Newly appointed Deputy Sheriffs Detentions/Courts will generally be assigned to the Detentions Services Bureau for a minimum of one year. It is desirable for Deputy Sheriffs-Detentions/Courts to work a variety of assignments during their careers. The Personnel Division will make rotational assignments.

### **Temporary Assignments for Department Employees**

A temporary re-assignment of a Deputy Sheriff may be made by mutual agreement between the concerned division/facility/station commanders. All temporary re-assignments require an approved Personnel Action Request (form PER-25). The Captain of the Personnel Division shall be notified of all temporary assignments and all extensions of temporary assignments for record-keeping purposes. Bureau commanders may temporarily re-deploy personnel within their assigned bureau for operational needs. If the position to be filled is considered a specialty/competitive position and requires a competitive process the selection for the temporary re-assignment shall be made from the position's current list. The names provided to the command shall be the top six (6) or top eleven (11) eligible names, depending on the position. Temporary assignments shall be for operational purposes only and shall not be used for matters related to performance or discipline.

### **Premium Pay Positions**

The San Diego Sheriff's Department has positions and assignments that are identified to receive premium pay. Examples of these are bilingual, motorcycle, transportation, detectives, helicopter pilots and observers in accordance with MOA Agreement. Premium pay is to compensate personnel for expertise/experience. Both Deputy Sheriffs and Deputy Sheriffs-Detentions/Courts are eligible for premium pay within their respective classification and subject to minimum requirements.

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### **Career Path Procedure**

- All assignments of employees within the Sheriff's Department are made at the discretion of the Sheriff.
- Lieutenants and captains may be surveyed on an annual basis for job preferences.
- Transfers and career advancement shall be subject to the procedures outlined in this policy.

### **Transfer Procedure / Transfer Requests**

#### **Non Competitive Transfer Request**

- When employees request a transfer to another division/facility/station, they must submit a "Transfer Request Form to their division/facility/station commander for review. Once a transfer request is honored, all other non competitive transfer requests on file for the selected employee will be purged.
- Transferred employees must remain in their current transferred assignment for one year unless the transfer was involuntary or they are selected for an announced specialized position.
- Transfer requests for detention, court and patrol assignments shall be placed on the eligibility list in the chronological order in which they are received.

#### **Competitive Transfer/Requests Procedures**

- Employees requesting a transfer to an announced specialized position must also submit a Departmental formatted resume.
- Transferred employees must remain in their current assignment for at least one year unless the transfer was involuntary. Selection to an announced specialized position requires at least a one (1) year assignment.
- An employee may compete in as many career assessment processes as they are qualified.
- Employees may file transfer requests with less than one year in their current assignment and compete in a selection process for a new assignment, but will not be eligible for selection until they have fulfilled their current commitment.
- The Personnel Division must receive application by the close of the posted filing period. No late applications will be accepted.
- Employees initiating transfer requests shall be responsible for making sure that their transfer requests were received in Personnel in time and are included on eligibility lists.
- When a transfer request is received in the Personnel Division, the Career Path Sergeant will review the request form for completeness and determine if all the minimum requirements are met for the requested position. Applicants who do not meet the minimum qualifications will have their transfer request returned with a written explanation from the Career Path Sergeant. Transfer requests for an announced competitive position shall be kept active by the Personnel Division for a period of one (1) year.
- Applicants can request a waiver of specific qualifications, except for the one-year minimum time in bureau. These requests should be sent to the Personnel Lieutenant. The Lieutenant shall decide if the specific requirements will be waived. An appeal of the Lieutenant's decision can be made to the Personnel Captain.
- Transfer Opportunity Notice

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- The Transfer Opportunity Notice is generated by the Personnel Division to inform eligible candidates of position vacancies. The captain of the affected command will notify the Personnel Division Captain of an anticipated vacancy and the Career Path Sergeant will distribute the notice by e-mail. The notification will include the following information:
- Position title and duties.
- Minimum qualifications for the position.
- Desired qualities for the position.
- Any other practical dimensions requested by the command and approved by the Personnel Captain.

The filing period will remain open for two (2) weeks and notice shall be posted to all employees. If there are less than six applicants the filing period may be extended. Applicants on approved leave may be eligible for a one week extension to the filing period if approved by the Personnel Captain. The approval will be subject to verification of approved leave and documentation of travel (i.e. plane tickets, non-refundable hotel reservations etc.) or medically unable to meet the filing deadline.

### **Career Assessment Process**

Career Assessment Process forms will exist for Deputy Sheriffs and Deputy Sheriffs-Detentions/Courts. It is the applicant's responsibility to ensure their personnel file, training file and resumes are current and accurate. The total score for the selection procedure is a combined 40 percent for the Career Assessment Process (CAP) Form and 60 percent for the interview.

- Content and Responsibility of Employee Files

The following Policy & Procedure sections define the documents that are contained in Department personnel, training and station files:

#### Personnel File (3.20)

Performance Reports (3.5)  
Department Awards (3.23)  
Report of Exemplary Performance (3.23)  
Personnel File Review Record, Duty Assignment Record

#### Training File (3.20)

P.O.S.T. /S.T.C. Certificates  
Training certificates, diplomas and other documents of training completion  
Training Summary Record

#### Station File (3.20)

Counseling slips – purged annually  
Non-Department Commendations, below the level of Exemplary Performance  
Letters of Appreciation  
Training Attended

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### **Procedure for Six or Less Applicants**

If there are six (6) or fewer applicants for any sworn position, the affected specialized unit or command may extend the filing deadline. Once the filing period is closed an interview procedure with the candidates will be conducted as follows:

- The transfer requests and resumes for all candidates will be made available to the affected specialized unit or command.
- The affected command will formulate interview questions for the candidates with the goal of ascertaining the candidates' respective skills, qualifications, and experience. The Personnel Division will approve the interview questions in advance.
- An interview panel of three (3) will be assembled which will include, at a minimum, the first and second level supervisor from the affected command.
- Candidates may elect not to participate in the interview process without losing their eligibility for the specialized assignment.
- Following the interview process, the affected command will contact the Career Path Sergeant and request a list of candidates eligible for selection.
- Upon approval by the Assistant Sheriff, Human Resource Services Bureau, or designee, the Career Path Sergeant shall provide the division/facility/station commander with the name(s) of eligible candidates in alphabetical order by surname.
- The affected command will notify the Career Path Sergeant of their selection.
- Following the approval of the bureau commander, the Career Path Sergeant will notify the affected command(s) to have the selected candidate notified.
- The interview will not be scored.
- No CAP form will be completed.

### **Procedure for Greater than Six Applicants**

#### **Interview Process**

- Provides an opportunity for interviewers to identify and evaluate factors that pertain to a candidate's qualifications to perform the full range of duties of the respective position.
- Allows candidates the opportunity to inform the interview board of their knowledge, skills and abilities that would qualify them for the position being sought.

#### **Interview Board Selection**

- The Assistant Sheriff, Human Resource Services Bureau, or designee, shall approve the selection of the board members.
- The selection of fair and impartial members that can maintain their objectivity is paramount to the selection of the most qualified candidates. Each candidate shall be evaluated on merit, performance and suitability for the position.
- Diversity should be considered in the composition of the board.

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- Board members shall be familiar with the job dimensions to be evaluated.
- The Personnel Division will provide instruction and training for the interview board. The evaluation forms shall be kept by the Personnel Division for a period of two years.

### **Number of Members**

- The interview board shall consist of at least three (3) members.
- Deputy level positions will have one (1) Lieutenant from the affected command acting as chairperson and two (2) Sergeants, one from the affected command and one (1) outside of the command.
- Sergeant level positions will have one (1) Captain from the affected command acting as chairperson and two (2) Lieutenants, one from the affected command and one (1) outside of the command.

### **Scheduling Interviews**

- All candidates will be allocated an equal amount of time both to answer questions and to summarize their qualifications.
- Note cards or other reference materials are not permitted.
- Candidates shall be allowed on-duty release time to attend the scheduled interview. Overtime is not authorized.

### **Interviews**

- The affected command, where the vacancy exists, will develop a list of interview questions.
- These questions should be designed so they can be objectively scored. A minimum of five (5) questions is recommended and not more than ten (10) with a numerical score of at least five (5) points for each question. The Personnel Division Captain or designee must approve all questions.
- The questions should be structured to capture a candidate's position-related knowledge.
- At the end of the questions the candidate should be allowed the opportunity to summarize, expand or clarify any information that would demonstrate their suitability for the position.
- The candidate will be provided the opportunity to review the CAP form that is utilized in the selection process during the interview. The CAP form will then be signed by the candidate. If the candidate wishes to appeal the CAP rating he/she must file a written appeal within 48 hours (see Appeals) and notify the Career Path Sergeant immediately after the interview. Every opportunity will be made to resolve the conflict with the employee prior to the appeal by the Career Path Sergeant.

### **Documentation**

- Each candidate interviewed will have an interview scoring sheet completed by each evaluator recording the candidate's responses and evaluation.
- Constructive comments are encouraged by the evaluator for each candidate so the Personnel Division can provide feedback to the candidate upon request. The interview and CAP sheets shall be given to the Career Path Sergeant.

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- The Career Path Sergeant will process the interview and CAP scores reviewing them for accuracy. Final scores will then be calculated by the Career Path Sergeant.
- The record will be maintained by Personnel for two (2) years.
- After a selection is made, the Career Path Sergeant in Personnel will be available to review the individual results with the candidates when requested. The candidate can make an appointment within 30 days of the interview process with the Career Path Sergeant to review the results. The Career Path Sergeant will go over the candidate's strengths and areas of improvement needed.

### **Eligibility Lists**

- Candidates shall be placed on an eligibility list based on their combined examination (60%) and CAP (40%) score. CAP scores shall be compiled by the Sheriff's Personnel Division.
- The eligibility list shall be valid for one (1) year from when the interview/assessment process is completed. When the list contains less than six (6) candidates, the affected command, after the initial selection, has the option of selecting from the current list or compiling a new list.
- A list may be extended for a period of two (2) weeks with approval of the Personnel Captain.

### **Appeals**

- The Career Path Assessment Process may be appealed as soon as the interviews are completed. Appeals must be filed within 48 hours of the interview and Career Assessment Process form review.
- Appeals are filed in writing with the Personnel Division Captain.
- The Commander or designee of the Human Resource Services Bureau would hear a second level appeal.

### **Selection of the Candidate**

- At the conclusion of the assessment process and upon approval by the Assistant Sheriff, Human Resource Services Bureau, or designee, the Personnel Division shall provide the division/facility/station commander with the name(s) of the eligible candidates with the six (6) highest scores, in alphabetical order by surname.
- The division commander may re-interview these candidates and may select one of the candidates or the division commander may select any candidate submitted on the list.
- Once a list of eligible candidates is given for a selection, a selection must be made within five (5) working days. If a selection is not made, the Personnel Captain will meet with the affected Commander to recommend a selection.
- After review by the bureau commander, the Career Path Sergeant will notify the affected command(s) to have the selected and non-selected candidate(s) notified.

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### **Career Development for Deputy Sheriffs**

#### **Specialty Assignments for Law Enforcement Deputies**

Assignment to the following divisions and units will be considered Specialty Assignments:

- Academy/In-Service Training
- Aerial Support Detail
- Canines
- COPPS Deputy \*
- Crime Stoppers Coordinator
- Emergency Planning
- Field Services – (Court Services Bureau)
- Recruiter
- Special Enforcement Detail (SED)
- Transportation Detail
- Weapons Training

\*Specialty Assignments do not qualify for the detective premium. Credit for Investigative experience will be given to those deputies with a COPPS assignment where that experience includes the POST Basic Investigations School (40 hours) and a one month training assignment with Area Investigations. This requires specific documentation to be sent through the candidate's Chain of Command and must include a Basic Investigation Certificate of completion and a written evaluation of the one (1) month Area Investigations training assignment. This documentation shall be filed in the employee's personnel file.

#### **Basic Investigations**

- Area Investigations\*\*\*
- Court Services Bureau Area Investigations\*\*\*
- Detentions Area Investigations\*\*\*
- G.S.U. (Gang Suppression Unit)
- Background Investigator
- Rural Detective\*\*\*
- Rural Enforcement\*\*
- School Resource Officer (SRO)
- Special Purpose Officer (SPO)\*\*\*\*
- Traffic/Motors\*\*
- Juvenile Intervention
- Felony Warrant Investigations
- Sex Offender Management
- Detentions Gang Unit
- Terrorism Early Warning Group/RTTAC (Regional Terrorism Threat Assessment Center)

The following Basic Investigations positions fall under the Special Investigations Division (SID), a list is compiled once a year:

- Jurisdiction Unified for Drug and Gang Enforcement (JUDGE)
- High Intensity Drug Trafficking Area (HIDTA)
- Border Crime Suppression Team (BCST)
- Regional Auto Theft Task Force (RATT)
- Street Narcotics Gang Detail (SNGD)
- Fugitive Task Force (FTF)
- Licensing

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\*\*Used for investigative credit only, but does not qualify for detective premium.

\*\*\*List compiled once a year only. A written exam is given for area investigations.

\*\*\*\*Depends on actual job duties. Contact Career Path Sergeant for details.

\*\*\*\*\*Individuals already in Advanced Investigations do not need to test to move to any basic investigative position.

### Advanced Investigations

Accident Reconstructionists\*

Arson/Explosives

Computer and Technology Crime High Tech Response Team (CATCH)

Child Abuse

Fugitive Investigations (Court Service Bureau)

Financial Crimes

Homicide

Elder Abuse

Sexual Assault

Internet Crimes Against Children

Domestic Violence Coordinator

The following Advanced Investigations positions fall under the Special Investigations Division (SID):

Criminal Intelligence Detail (CID)

Narcotic Task Force (NTF) \*\*

Gang Task Force\*\*

Deputy Sheriffs must have successfully completed their probationary period, and meet all of the minimum requirements indicated on the Transfer Opportunity Notice to apply for transfer to Specialty Assignments, Basic Investigations and Advanced Investigations. Deputy Sheriffs must have been assigned for at least a minimum of one year in a basic investigative assignment or equivalent experience in basic investigations in order to apply for an advanced investigations position. The Personnel Captain may waive the one year minimum basic investigations requirement if there are less than six applicants with the requisite basic investigative experience.

\* Eligibility and selection process are located in the Traffic Manual. Assignment to the S.T.A.R. callout list is mandatory.

\*\* Selections are made from current SID Detectives (to include Criminal Intelligence Detail Detectives) that have served a minimum of one (1) year within SID; or from the SID eligibility list given the candidate has at least one (1) year previous basic investigative experience.

### Assessment Process for Deputy Sheriffs

#### Experience

This information is obtained from the Duty Assignment Record in the employee's personnel file, Employee Performance Reports and the attached resume. All Sheriff's Department service in a sworn classification will be considered from the date of hire. The points are totaled for each of the four categories to a maximum of 20 points.

#### Deputy Sheriff Tenure

Points are awarded on a graduated scale based on the number of years of service with the San Diego Sheriff's Department and the San Diego County Marshal's Office to a maximum of 5 points for 10 years of service. Other peace officer experience, as defined by section 830.1 of the California Penal Code, will also be considered when determining total tenure time. A maximum of two (2) points can be awarded for peace officer experience outside the Sheriff's Department. There is a maximum of five (5) points possible in this category.

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### **Assignment Types**

Personnel will receive one (1) point or one-half (1/2) point for certain collateral duties for each assignment they have worked in the Department. Points will be awarded for all sworn time in the Department, regardless of classification. An assignment is credited for one (1) year or more in duration and each assignment is counted only one (1) time. A patrol assignment, for example, would only be counted once, regardless of the number of times it was worked. Similar assignments within different bureaus, however, will be credited individually. For example, an employee will receive one-half (1/2) point for being a jail training officer and another one-half of a point for being a patrol training officer if each position was held for one (1) year or more.

For Temporary Assignment Duty (TAD) time to qualify for CAP point consideration all of the following guidelines must be met: the Deputy is in the top six (6) of the eligible candidates on the current list for the position or top eleven (11) for the Basic Investigation and SID current lists, a Personnel Action Request (PAR) had been completed and approved, is in a full duty status and the assignment was for three to six months. If the guidelines are met the value is worth one-half (1/2) point. The credit for the TAD status will be effective from the time this Policy and Procedure section was approved and will not be retroactive.

### **Prior Law Enforcement Service**

Deputies with prior experience with another law enforcement agency may be credited for that experience at the same point value as current deputies. This experience must be documented. Documentation shall be in the form of written evaluations or personnel records from the prior agency. Each assignment is counted only one time. A patrol assignment, for example, will be counted only once, regardless of the number of times or agencies patrol was worked. Prior experience also can not be combined with experience with this agency. A patrol assignment, for example, with another agency and with this agency will be counted only once.

### **Specialized Duties/Skills**

A half point is awarded for each of the specialized duties under section "C" of the CAP Form regardless of the amount of time in that position. Under this section any employee who has been a compensated acting sergeant will receive one (1) point. There is a maximum of fifteen (15) points possible for the Assignment Types and Specialized Duties categories combined.

### **Quality of Job Performance**

The overall evaluation rating is considered. This information is obtained from the employee's Annual Employee Performance Reports for the last 3 years, in the employee's current classification. There is a maximum of fifteen (15) points possible in this category. Under the new EPR system the CAP will reflect the actual points scored. Employees under the previous EPR system will receive the average score of the relevant competency level, as indicated.

### **Training and Education**

The Training Division will provide the training record of P.O.S.T. certificates. There is a maximum of 15 points possible in this category. College and university credit is only granted for units earned at institutions accredited by agencies recognized by the United States Department of Education.

### **Awards and Recognition**

Awards and recognition are normally found in the Department personnel file or the station file. Verification with copies attached to the resume is required for recognition below the level of an Exemplary Performance, unless documented in an Employee Performance Report. Departmental medals (Medal of Honor, Silver Cross, Medal of Valor, Lifesaving Medal, Distinguished Service Medal, and Medal of Merit) receive two (2) points each. Certificates of Commendation, Certificates of Lifesaving, Sheriff's Unit Citations, Meritorious Unit Citations, Letters of Commendation, and Reports of Exemplary Performance receive one (1) point each. All other

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## **San Diego County Sheriff' s Department - Procedure Section**

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recognition to include other law enforcement agencies, court recognition, special projects that required extra effort, civic recognition such as MAAD awards, Deputy of the Year, and citizen letters of appreciation receive one-half point (1/2) each with the total points received for all such recognition not to exceed two (2) points. There is a maximum of five (5) points possible in this category. Medals from other law enforcement agencies are included. Awards and recognitions do not expire; they remain in effect for the lifetime of the employee. It is the employee's responsibility to present a copy of the recognition if it is not clearly documented in a performance appraisal.

### **Compliance with Department Rules and Policies**

The Internal Affairs Division will provide only the total number of sustained complaints resulting in discipline and chargeable traffic collisions. Internal Affairs will report sustained complaints resulting in a written reprimand and chargeable traffic collisions going back two (2) years. Sustained, non-traffic, complaints resulting in discipline greater than a written reprimand will be reported going back five (5) years. Candidates with no sustained complaints or chargeable collisions will receive five (5) points. Candidates with one (1) sustained complaint or chargeable violation will receive two (2) points. Candidates with two (2) or more sustained complaints or chargeable violations will not receive points.

### **Process for Basic Investigations, Special Investigations Division (SID)**

#### **Deputy Sheriff – Law Enforcement Process for Basic Special Investigations**

##### Basic

- Jurisdiction Unified for Drug and Gang Enforcement (JUDGE)
- High Intensity Drug Trafficking Area (HIDTA)
- Border Crime Suppression Team (BCST)
- Regional Auto Theft Task Force (RATT)
- Street Narcotics Gang Detail (SNGD)
- Fugitive Task Force (FTF)
- Licensing

The Process for Law Enforcement Basic Special Investigations shall be conducted on an annual basis.

- Personnel assigned to the Special Investigations Division, to include the Criminal Intelligence Detail, may work in any commensurate assignment within SID. Those who are assigned to a SID Advanced Investigations position are also eligible for assignment in a SID Basic Investigations position.
- The Major Crimes Division Captain may select from the SID eligibility list to fill any CID Basic Investigations vacancy that might exist within that division.
- The Detentions Support Captain may select from the SID eligibility list to fill any Law Enforcement Detentions Gang Unit vacancy that might exist within that unit.

##### Notification

- Sworn personnel shall be notified of the intent to establish a new Eligibility List via department notice at least 30 working days in advance of the beginning of the process by e-mail and posting.
- Candidates shall be notified by e-mail of the date, time, location and type of examination process.

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### Criteria and Requirements

- Deputy Sheriffs must have successfully completed their probationary period (18 months) and have two (2) years of patrol experience of which one (1) year of patrol must be with the San Diego Sheriff's Department.

### Selection Process

- Any sworn employee who is qualified to work Special Investigations may submit a transfer request to the Personnel Division during the open period for the announced Special Investigations examination process.
- A candidate may specify whether they want to be considered for a specific unit opening.

The decision to implement either a written or an oral examination will be determined by the Special Investigations Division Captain.

### Written Examination Process:

- The development of the examination shall be completed by the Special Investigations Division utilizing an Advisory Committee from the involved units to develop the testing procedure. The examination shall be approved by the Assistant Sheriff of the Human Resource Services Bureau or designee.
- Eligible candidates, who have successfully applied for the position of Law Enforcement Special Investigations during the open announcement period and have successfully met all minimum requirements, will be allowed to proceed to the examination. Requests for waivers shall be submitted to the Personnel Lieutenant, for consideration. An appeal of the Lieutenant's decision can be made to the Personnel Captain.
- Candidates who successfully pass the examination will have their CAP score processed. Together, the examination score and CAP score will be combined to form an overall ranking score. Candidates will then be placed on an eligibility list based on their combined score.
- The Sheriff's Personnel Division shall maintain the candidate's examination and CAP score for a period of two (2) years.

### Oral Examination Procedure

- All eligible employees shall be scheduled for the oral examination during the period specified on the announcement. Requests for exceptions shall be submitted to the Personnel Lieutenant, for consideration. An appeal of the Lieutenant's decision can be made to the Personnel Captain.
- The interview board(s) for Special Investigations positions shall be comprised of two (2) sergeants, one of whom should be a Special Investigations sergeant, and one (1) lieutenant acting as the chairperson. (Any exception shall be approved by the Personnel Captain.)
- The development of examination questions shall be completed by the Special Investigations Division and approved by the Assistant Sheriff of the Human Resource Services Bureau or designee.
- The candidates shall be scored on a designated examination and the chairperson of the examination panel shall ensure the forms are reviewed and the examinations have been properly scored. The Career Path Sergeant shall review all examination forms and ensure the scores and totals are correct.

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- Candidates who successfully pass the examination will have their CAP score processed. Together, the examination score and CAP score will be combined to form an overall ranking score. Candidates will then be placed on an eligibility list based on their combined score.
- The Sheriff's Personnel Division shall maintain the candidate's examination and CAP score for a period of two (2) years.

### Eligibility Lists

- Candidates shall be placed on an eligibility list based on their combined examination score and CAP score. The total score for the selection procedure is a combined 40 percent of the CAP form and 60 percent for the test/interview score. CAP scores shall be compiled by the Special Investigations Division.
- The eligibility list shall be valid for one (1) year with the option of extending the list upon approval of the Human Resources Bureau Assistant Sheriff for increments of three (3) months or until a new eligibility list has been established.
- When a Special Investigations opening occurs the Division shall receive the names of the highest scoring candidates from the appropriate list in alphabetical order by surname. They shall receive one (1) name for each vacancy plus ten (10) names from the list of eligible candidates. A deputy may waive consideration of assignment to a particular location and not lose their standing on the list. In those instances, the Command will receive additional names (from the Career Path Sergeant) until a list of ten (10) valid names plus the number of vacancies is established with candidates who are interested in the open position.
- In addition, the names of employees eligible for lateral transfer (who have previously submitted transfer requests) will also be provided.
- The Special Investigations Division Captain or designee shall interview the candidates before finalizing a selection and may select from the eligibility or lateral list.
- Upon approval by the affected Bureau Commander or designee, the Career Path Sergeant will notify the affected command(s) to have the selected candidate notified.

### **Career Development for Deputy Sheriffs-Detentions/Courts**

### **Specialty Assignments for Deputy Sheriffs-Detentions/Courts**

Assignment to the following divisions and units shall be considered Specialty Assignments:

- Transportation Detail
- S.T.C. Training Academy
- Detention In-Service Training
- Recruiter
- Jail Population Management Unit
- Canines (Detentions)
- Facilities Development Team
- Transition Team
- Background Investigator
- Detentions Investigator
- Court Services Bureau Training Coordinator
- Facility Training Coordinator

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To be eligible, Deputy Sheriffs–Detentions/Courts must have successfully completed their probationary period and meet all of the minimum requirements indicated on the Transfer Opportunity Notice.

### **Specialized Duty Assignments for Deputy Sheriff-Detentions/Courts**

All specialized positions, as listed on the Career Assessment Process Form, within a Detention Facility will require an interview and selection process. The facility will post an announcement for the anticipated openings and have interested deputies who meet the minimum requirements (i.e. non-probationary, 1 year in Detentions) submit a transfer request. The Facility Commander, or designee, shall review each request to ensure that individual applicants meet the basic requirements. If there are six (6) or less candidates the Facility Commander may extend the deadline or request the announcement be advertised Department wide via a Transfer Opportunity Notice sent by the Personnel Division.

The names of all specialized duty applicants shall be submitted to the Facility Commander, or designee. The Facility Commander, or designee, shall then administer an interview process, designed to assess the candidate's qualifications for assignment. Upon completion of the examination process, the Facility Commander may make the selection.

### **Assessment Process for Deputy Sheriffs-Detentions/Courts**

#### **Experience**

Experience information is obtained from the Duty Assignment Record in the employee's personnel file, Employee Performance Reports and the attached resume. All Sheriff's Department including the former Marshals Office, sworn service is considered. There is a maximum of twenty (20) points possible in this category.

- Deputy Sheriff- Detentions/Courts Tenure

Points are awarded on a graduated scale based on the number of years of service with the San Diego Sheriff's Department and/or the former San Diego County Marshal's Office to a maximum of 5 points for 10 years of service. There is a maximum of five (5) points possible in this category.

- Facility Assignments

One-half (1/2) point is awarded for a minimum of six (6) months or one (1) point for a year or more worked at each of the Court or Detention facilities. Credit is only received one time for each facility. An additional one-half (1/2) point will be awarded for having worked any of the Department's booking facilities for a minimum of one (1) year, regardless of how many such facilities have been worked.

- Specialized Duties/Skills

As per the CAP form one-half (1/2) of a point is awarded for each of the specialized positions that applies. The specified duty must have been performed for a minimum of one (1) year in order to receive credit. Under this section any candidate who held a Corporal and/or Training Officer position for a minimum of 1 year in Detentions or Court Services will receive 1 point for each applicable position. For example, an employee will receive one (1) point for Facility or Court Services Training Officer and one point for Detentions or Court Services Corporal if each position was held for a minimum of one (1) year.

- Special Assignments

One (1) point is awarded for each special assignment. The assignment must have been performed for a minimum of one (1) year and each assignment is counted only one time. A canine assignment, for example, would only be counted one time regardless of the number of facilities or classification it was worked.

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For Temporary Assignment Duty (TAD) time to qualify for CAP point consideration all of the following guidelines must be met: the Detentions/Courts deputy is in the top six (6) of the eligible candidates on the current list for the position, a Personnel Action Request (PAR) had been completed and approved, is in a full duty status and the assignment was for three to six months. If the guidelines are met the value is worth one-half (1/2) point. The credit for the TAD status will be effective from the time this Policy and Procedure section was approved and will not be retroactive.

- Quality of Job Performance

The overall evaluation rating is considered. This information is obtained from the employee's Annual Employee Performance Reports for the last three (3) years, in the employee's current classification. There is a maximum of fifteen (15) points possible in this category. Under the new EPR system the CAP will reflect the actual points scored. Employees under the previous EPR system will receive the average score of the relevant competency level, as indicated.

- Training and Education

A Deputy Sheriff-Detentions/Courts who has completed a P.O.S.T. certified Basic Academy shall be awarded one (1) point. Deputies who possess a college degree from an institution accredited by an agency recognized by the United States Department of Education shall be awarded points for their highest degree earned as follows:

- Completion of POST Academy Certificate-One (1) point
- Associates Degree-Four (4) points
- Bachelor's Degree-Ten (10) points
- Masters or other Advanced Degree-Fifteen (15) points
- Certificate of Completion of a Reserve Level 1 Academy-One (1) point
- Certificate of Completion of the Fundamentals of Supervision Course –One (1) point
- Certificate of Completion of the Sergeant Mentoring Program-One (1) point

There is a maximum of fifteen (15) points possible in this category.

- Awards and Recognition

Departmental medals (Medal of Honor, Silver Cross, Medal of Valor, Lifesaving Medal, Distinguished Service Medal, and Medal of Merit) receive two (2) points each. Certificates of Commendation, Certificate of Lifesaving, Sheriff's Unit Citations, Meritorious Unit Citations, Letters of Commendation and Reports of Exemplary Performance receive one (1) point each. All other recognition, to include other law enforcement agencies, court recognition, special projects that required extra effort, civic recognition, Deputy of the Year, and citizen letters of appreciation receive one-half point (1/2) each with the total points received for all such recognition not to exceed two (2) points. There is a maximum of five (5) points possible in this category. Medals from other law enforcement agencies are included. Awards and recognitions do not expire; they remain in effect for the lifetime of the employee. It is the employee's responsibility to present a copy of the recognition if it is not clearly documented in a performance appraisal.

- Compliance with Department Rules and Policies

The Internal Affairs Division will provide only the total number of sustained complaints resulting in discipline. Internal Affairs will report sustained complaints resulting in a written reprimand going back two (2) years, and chargeable traffic collisions resulting in discipline other than verbal counseling. Sustained, non-traffic, complaints resulting in discipline greater than a written reprimand will be reported going back five (5) years.

Candidates with no sustained complaints or chargeable collisions will receive five points. Candidates with one (1) sustained complaint or chargeable violation, with discipline resulting in a written reprimand or greater, will receive two (2) points. Candidates with two (2) or more sustained complaints or chargeable violations will not receive points.

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### **Process for Area Investigator/COPPS Deputy**

#### **Deputy Sheriff – Law Enforcement and Detentions/Courts Process for Area Investigator**

Detective/Investigator

- Law Enforcement Area Investigator
- Detentions Area Investigator – Law Enforcement Deputy
- Detentions Investigator – Detentions/Courts Deputy
- Court Services Bureau Area Investigator – Law Enforcement Deputy

The process for Law Enforcement Deputy Basic Investigations (Law Enforcement Area Investigator, Detentions Area Investigator and Court Services Bureau Area Investigator) positions shall be conducted on an annual basis.

The process for Law Enforcement COPPS Deputy positions shall be conducted on an annual basis. The COPPS Deputy process will mirror the process for Area Detective, but it will be a separate list and test.

The process for Law Enforcement and Detentions/Courts Canine Handler positions shall be conducted on an annual basis. Those applicants that successfully pass the physical agility test will be scheduled for an oral interview. Deputies will be placed on an eligibility list based on their combined interview and CAP score.

The Detentions/Courts Deputy Basic Investigation process will be conducted based on vacancy needs for the Detentions Area Investigator positions.

- Area Investigators/COPPS Deputies/Canine Handlers may request lateral transfers to other commands after one (1) year of service in their initial assignment for Area Detective/COPPS Deputy/Canine Handler. (This does not apply to the Detentions/Courts Deputy Sheriff class.)
- If any area investigator/COPPS Deputy position is vacant in a Sheriff's substation, the Facility Commander shall have the option of filling the substation's vacancy with an investigator assigned to that station/division and then request to fill the newly created vacancy.

#### **Notification**

- Sworn personnel shall be notified of the intent to establish a new Eligibility List via department notice at least 30 working days in advance of the beginning of the process by e-mail and posting.
- Candidates shall be notified by e-mail of the date, time, location and type of examination process.

#### **Criteria and Requirements**

Deputy Sheriffs must have successfully completed their probationary period (18 months) and have had two (2) years of (patrol) experience of which one (1) year of patrol must be with the San Diego Sheriff's Department to apply for transfer to Law Enforcement/Detentions/Court Services Bureau Area Investigations/COPPS Deputy.

Detentions/Courts Deputy Sheriffs must have successfully completed their probationary period (12 months) and have two (2) years detentions experience of which one (1) year must be with the San Diego Sheriff's Department to apply or transfer to Detentions Area Investigator – Detentions/Courts Deputy.

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### **Selection Process**

- Any sworn employee who is qualified to be a Law Enforcement/Detentions/Court Services Bureau Area Investigator/COPPS Deputy/Canine Handler may submit a transfer request to the Personnel division during the open period for the announced Area Detective or COPPS Deputy/Canine Handler examination process.
- A candidate may specify whether they want to be considered for a “North”, “Southeast”, or “Any” Area Investigator opening.

The decision to implement a written or an oral examination will be determined by Personnel.

#### Written Examination Process:

- The development of the examination questions shall be completed by the Sheriff's Department Personnel Division and approved by the Assistant Sheriff of the Human Resource Services Bureau or designee. The examination will be geared toward the bureau the list is to be established for, i.e. Law Enforcement or Detentions. The examination shall be approved by the Assistant Sheriff of the Human Resource Services Bureau or designee.
- Eligible candidates, who have successfully applied for the position of Law Enforcement/Detentions/Court Services Bureau – Area Investigator/COPPS Deputy/Canine Handler during the open announcement period and have successfully met all minimum requirements, will be allowed to proceed to the Career Assessment Process and the examination. Requests for exceptions to the minimum requirements for the position shall be submitted to the Lieutenant of the Personnel Division for consideration.
- Candidates who successfully pass the examination will have their CAP score processed. Together, the examination score and CAP score will be combined to form an overall ranking score. Candidates will then be placed on an eligibility list based on their combined score.
- The Sheriff's Personnel Division shall maintain the candidate's examination and CAP score for a period of two (2) years.

### **Oral Examination Procedure**

- All eligible employees shall be scheduled for the oral examination during the period specified on the announcement. Requests for exceptions shall be submitted to the Captain of the Personnel Division, for consideration.
- The interview board(s) for Area Investigator positions shall be comprised of two (2) sergeants, one of whom should be an area detective sergeant, and one (1) lieutenant acting as the chairperson. (Any exceptions shall be approved by the Personnel Captain.)
- The interview board(s) for COPPS Deputy positions shall be comprised of two (2) sergeants, one of whom should be a COPPS sergeant, and one (1) lieutenant acting as the chairperson. (Any exceptions shall be approved by the Personnel Captain.)
- The interview board(s) for Canine Handler positions shall be comprised of two (2) sergeants, one of whom shall be the Canine Handler Sergeant, the Canine Coordinator and one (1) lieutenant from the interested command acting as the chairperson. (Any exceptions shall be approved by the Personnel Captain,
- The development of examination questions shall be completed by the Personnel Division and approved by the Assistant Sheriff of the Human Resource Services Bureau or designee.

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- The candidates shall be scored on a designated examination form, and the chairperson of the examination panel shall ensure the forms are reviewed and the examinations have been properly scored. Personnel shall review all examination forms and ensure the scores and totals are correct.
- The Sheriff's Personnel Division shall maintain the candidate's examination and CAP score for a period of two (2) years.

### **Eligibility Lists**

- Candidates shall be placed on an eligibility list based on their combined examination (60%) and CAP (40%) score. CAP scores shall be compiled by the Sheriff's Personnel Division.
- The eligibility list shall be valid for one (1) year with the option of extending the list upon approval of the Human Resources Bureau Assistant Sheriff for increments of three (3) months or until a new eligibility list has been established.
- When an Area Investigator or COPPS Deputy/Canine Handler opening occurs in a command, the division/facility/station shall receive the names of the highest scoring candidates from the appropriate bureau list in alphabetical order by surname. The division/station/facility commander shall receive one (1) name for each vacancy plus ten (10) names from the list of eligible candidates. A deputy may waive consideration of assignment to a particular location and not lose their standing on the list. In those instances, the division/station/facility commander will receive additional names (from the Career Path Sergeant) until a list of ten (10) valid names plus the number of vacancies is established with candidates who are interested in the open position.
- The names of employees eligible for lateral transfer (to include those employees who previously submitted transfer requests for that particular assignment) will also be provided.
- The station captain or designee shall interview all the candidates before finalizing a selection and may select a candidate from the eligibility or lateral list.
- After review by the bureau commander, the Career Path Sergeant will notify the affected command(s) to have the selected candidate notified.

### **Career Path for Sheriff's Sergeants – Law Enforcement and Detentions**

Sergeants must have one (1) year of experience at the sergeant level, successfully completed probation, and meet all of the minimum requirements indicated on the Transfer Opportunity Notice in order to be eligible for career path consideration. Upon a job opening, a job announcement will be sent and interested candidates will submit a transfer request, with resume attached, allowing the candidate to address specific qualifications.

- The transfer requests and resumes for all candidates will be made available to the affected specialized unit or command.
- The affected command will formulate interview questions for the candidates with the goal of ascertaining the candidates' respective skills, qualifications, and experience. The Personnel Division will approve the interview questions in advance. Personnel may monitor the interview process.
- An interview panel will be assembled which will include, one (1) Captain from the affected command acting as chairperson and two (2) Lieutenants, one (1) from the affected command and one (1) outside of the command. The Assistant Sheriff, Human Resource Services Bureau, or designee, shall approve the selection of the board members.
- The interview forms will be given to the Career Path Sergeant to review for accuracy.

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- At the conclusion of the interview process and upon approval by the Assistant Sheriff, Human Resource Services Bureau, or designee, the Personnel Division shall provide the division/facility/station commander with the name(s) of eligible candidates with the six (6) highest scores, in alphabetical order by surname.
- Once a list of eligible candidates is given for a selection, a selection must be made within five (5) working days. If a selection is not made, the Personnel Captain will meet with the affected Captain and/or Bureau Commander to recommend a selection.
- After review by the bureau commander, the Career Path Sergeant will notify the affected command(s) to have the selected and non-selected candidate(s) notified.

If there are six (6) or fewer applicants, the affected specialized unit or command may extend the filing deadline. Once the filing period is closed, an interview procedure with the candidates will be conducted as follows:

- The transfer requests and resumes for all candidates will be made available to the affected specialized unit or command.
- The affected command will formulate interview questions for the candidates with the goal of ascertaining the candidates' respective skills, qualifications, and experience. The Personnel Division will approve the interview questions in advance.
- An interview panel will be assembled which will include, one (1) Captain acting as chairperson and two (2) Lieutenants, one from the affected command and one (1) outside of the command. The Assistant Sheriff, Human Resource Services Bureau, or designee shall approve the selection of the board members.
- Candidates may elect not to participate in the interview process without losing their eligibility for the specialized assignment.
- Following the interview process, the affected command will contact the Career Path Sergeant and request a list of candidates eligible for selection.
- Upon approval by the Assistant Sheriff, Human Resource Services Bureau, or designee, the Personnel Division shall provide the division/facility/station commander with the name(s) of eligible candidates in alphabetical order by surname.
- Once a list of eligible candidates is given for a selection, a selection must be made within five (5) working days. If a selection is not made, the Personnel Captain will meet with the affected Captain and/or Bureau Commander to recommend a selection.
- After review by the bureau commander, the Career Path Sergeant will notify the affected command(s) to have the selected and non-selected candidate(s) notified.

### **Specialty Assignments for Law Enforcement Sergeants**

Assignment to the following divisions and units will be considered Specialty Assignments:

Aerial Support Sergeant  
Academy or In-Service Training Sergeant  
Arson/Explosives Sergeant  
Background Sergeant  
C.A.T.C.H. Sergeant  
Career Path Sergeant  
Child Abuse/Sexual Assault Sergeant

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COPPS Sergeant  
Court Services Bureau Investigations Unit Sergeant  
Criminal Intelligence Detail Sergeant  
Detentions Investigations Unit Sergeant  
Division of Inspectional Services Sergeant  
Domestic Violence Unit Sergeant  
Emergency Planning Sergeant  
Explorer/Senior Volunteer Coordinator Sergeant  
Financial Crimes/Elder Abuse Sergeant  
Gang Task Force Sergeant  
Homicide Sergeant  
Internal Affairs Sergeant  
Juvenile Intervention Sergeant  
Narcotic Task Force Sergeant  
Recruiting Sergeant  
Reserves Sergeant  
Rural Sergeant  
S.A.F.E Task Force/Juvenile Intervention Sergeant  
Search and Rescue Sergeant  
Special Enforcement Detail Sergeant  
Special Investigations Division Sergeant  
Station Detective Sergeant  
Terrorism Early Warning Unit/Regional Terrorism Threat Assessment Center Sergeant  
Traffic/Motors Sergeant  
Transportation Detail Sergeant  
Volunteer Services Sergeant  
Weapons Training/K-9 Sergeant

### **Specialty Assignments for Sergeant-Detentions**

Assignment to the following divisions and units shall be considered Specialty Assignments:

Transportation Detail Sergeant  
S.T.C. Training Academy Sergeant  
Detention In-Service Training Sergeant  
Career Path Sergeant  
Facility Development Sergeant  
Division of Inspectional Services Sergeant  
Internal Affairs Sergeant  
Jail Population Management Unit Sergeant  
J.I.M.S. Sergeant  
Transition Team Sergeant  
Inmate Services Sergeant

(04-18-2024)

<b>3.20 DEPARTMENTAL PERSONNEL/EMPLOYEE PERFORMANCE/TRAINING FILES</b>
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Master Departmental personnel files for all personnel will be retained in the Departmental Personnel Office only. All pertinent personnel information shall be forwarded to the Departmental Personnel Division for inclusion in specific files.

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This information shall be treated as confidential material, and access to the files will be limited to the subject employee, commanders and above, Personnel Division staff, Internal Affairs, and Career Development Committee.

Personnel assigned as a "Skelly Review" Officer will be granted access to the personnel file of the subject whose case is under review. A memorandum from a Bureau Commander, or professional staff equivalent, shall be presented to the Personnel Captain or designee to gain such access to the personnel file.

Exceptions to guidelines enumerated in this section will be authorized only by the Sheriff or Undersheriff.

### **Station/Division Employee Performance/Training Files**

Although individual bureau personnel files will not be maintained, all bureaus are encouraged to maintain employee performance files on their personnel. Station/division employee performance files are for the limited purpose of effective operation, administration and evaluation. The employee performance file should be purged of materials that are no longer relevant following the yearly or final probation performance evaluations and the completion of any appeals.

Station/division employee performance/training files should contain verbal counseling sessions slips, non-departmental originated commendations, letters of appreciation, etc., which would be necessary to adequately prepare an employee's performance report.

Station/division employee performance files shall not contain investigative reports deemed confidential; such as, Internal Affairs reports and investigations, notice of proposed disciplinary action, etc.

Access to station/division employee performance files shall be limited to the individual employee, station/division supervisors and bureau command personnel. Supervisory personnel shall have the counseled employee read and initial all items prior to the placement in the file.

### **Training Files**

All training files are maintained and kept at the Training Division and access is restricted to:

Subject employee  
Training staff  
Internal Affairs  
Career Development Committee  
Subject employee's supervisor with approval by appropriate command staff officer.

(06-06-14)

### **3.23 AWARDS PROGRAM**

#### **Awards & Recognition Board**

An Awards & Recognition Board shall make the determination regarding the appropriateness of all awards, with the exception of the Report of Exemplary Performance, Employee Service Awards and Employee Recognition Awards. This Board shall consist of the following members:

Chairperson: Commander, Human Resource Services Bureau  
Members: Commander, Law Enforcement Services Bureau  
Commander, Detention Services Bureau  
Commander, Court Services Bureau  
Public Information Officer, Public Affairs  
Lieutenant of the Division of Inspectional Services

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Representative, Management Services Bureau  
Representative, Deputy Sheriff's Association

The Undersheriff is the reviewing officer on all matters within the purview of the Awards & Recognition Board.

### **Procedures for Award Recognition**

#### **Recommendations**

Recommendations for awards and commendations may be initiated by any member of the Department by filling out Form PAD-1, "Recommendation for Commendation." The recommendation shall be accompanied by a detailed account of the incident, including reports or other supporting documentation. The recommendation shall be forwarded, via the chain of command, to the Bureau Commander/Manager for concurrence and, then, to the Assistant Sheriff of the Human Resource Services Bureaus for presentation to the Awards & Recognition Board.

#### **Eligibility**

All Department employees, reserves and volunteers are eligible for awards under this program. A member of another law enforcement agency who, while assisting a member of this Department meets the established criteria may also be eligible for an award under this program. All private citizens are eligible for the citizen awards.

#### **Awards & Recognition Board Actions**

The Awards & Recognition Board shall meet on a regularly scheduled basis to review, evaluate and, when necessary, reclassify recommendations for awards prior to approving them. It shall be the responsibility of this Board to assure that the established criteria have been clearly met for each award approved and inform the recommender of their decision.

#### **Presentation of Awards**

It shall be the responsibility of the Human Resource Services Bureau-Personnel Division to coordinate the preparation of the Departmental awards and to schedule their presentation to recipients on, at least, a quarterly basis.

County of San Diego Employee Service Awards shall be presented as follows:

20 Years or More - to be presented at the Departmental Awards Ceremony.

Under 20 Years - to be presented by the Division/ Station/Facility Commanders for employees in their chain of command.

It shall be the Division/Station/Facility Commander's responsibility to ensure that the 5, 10 and 15-year service awards are presented in a timely and ceremonious manner.

#### **Departmental Awards for Bravery and Service - Definition of Awards**

- Medal of Honor

##### Criteria

The Medal of Honor is the Department's highest award and shall be awarded to members of this Department who distinguish themselves by displaying an act(s) of extraordinary bravery, valor, courage, gallantry,

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conspicuous heroism, and/or self-sacrifice, intelligently performed with knowledge of the risk involved, above and beyond the call of duty, in the face of imminent and personal life-threatening peril and in an official capacity. This medal may also be awarded to a Department member who, through the course of events, is prevented from accomplishing such an acts(s) by either a disabling injury or death.

A Silver Cross may also be awarded to Department members who are killed or seriously wounded as a result of this encounter.

### Description

The Medal of Honor is a gold Sheriff's star suspended from a red/white/blue ribbon attached to a gold bar inscribed with the word "Honor." A red/white/blue ribbon bar and a framed certificate accompany the medal.

- Medal of Valor

### Criteria

The Medal of Valor is the Department's second highest award and shall be awarded to Department members who distinguish themselves by acts of outstanding personal bravery, acts of heroism, intelligently performed in the line of duty, in an official capacity where the employee placed him/herself in a position of potential harm or injury.

A Silver Cross may also be awarded to Department members who are killed or seriously wounded as a result of this encounter.

### Description

The Medal of Valor is a silver Sheriff's star suspended from a blue/white/blue ribbon attached to a silver bar inscribed with the word "Valor". A blue/white/blue ribbon bar and framed certificate accompany the medal.

- Silver Cross

### Criteria

The Silver Cross shall be awarded to a Department member who, while acting in an official capacity, is seriously wounded or killed as the result of a hostile or life-threatening encounter. The Silver Cross may also be awarded in conjunction with a Medal of Honor or a Medal of Valor.

### Description

The Silver Cross is a silver Sheriff's star centered on a silver cross-suspended from a purple/white/purple ribbon attached to a silver bar inscribed with the words "Silver Cross". A purple/white/purple ribbon bar and framed certificate accompany the medal.

- Medal for Lifesaving

### Criteria

The Medal for Lifesaving shall be awarded to Department members who save a life by direct action performed under conditions requiring bravery or exposure to danger or by performance above and beyond what is required for the Lifesaving Award. These acts shall be evaluated in the context of normal duty requirements. Independent documentation or verification indicating the individual would have died without the intervention from the employee must be provided.

### Description

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The Medal for Lifesaving is a bronze Sheriff's star suspended from a blue/white ribbon attached to a bronze bar inscribed with the word "Lifesaving." A blue/white ribbon bar and a framed certificate accompany the medal.

- Lifesaving Award

### Criteria

The Lifesaving Award shall be awarded to Department members who save a life by direct action, such as mouth to mouth resuscitation. There is no need for the act to be performed under conditions requiring bravery or exposure to danger.

### Description

This award shall consist of a red and white recognition bar for recipients and a framed certificate. As with the Lifesaving Award, the red and white recognition bar can be worn on class B and C uniforms.

- Distinguished Service Medal

### Criteria

The Distinguished Service Medal shall be awarded to members of this Department who have demonstrated exceptional achievement in assigned duties with loyalty and dedication over a prolonged period. This award is not intended to recognize length of service but is intended to recognize sustained distinguished performance above and beyond normal job requirements.

### Description

The Distinguished Service Medal is a gold circular medal representing the center of the Sheriff's star suspended from a blue/gold/blue ribbon attached to a gold bar inscribed with the words "Distinguished Service." A blue/gold/blue ribbon bar and a framed certificate accompany the medal.

- Medal of Merit

### Criteria

The Medal of Merit shall be awarded to Department members who perform superior accomplishments, which result in significant contributions to the efficient operation of the Department. Such accomplishments shall result in major improvements in technology, organization, or procedures. These may be based on a single act or on exceptional personal efforts.

### Description

The Medal of Merit is a silver circular medal representing the center of the Sheriff's star suspended from a blue/gold ribbon attached to a silver bar inscribed with the words "Meritorious Service." A blue/gold ribbon bar and a framed certificate accompany the medal.

## Unit Citations

Unit citations are intended to recognize a particular organizational unit for outstanding service resulting from a team effort. This award may be given in addition to individual awards of Department members comprising the group who distinguish themselves in a manner consistent with individual award criteria.

- Sheriff's Unit Citation

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### Criteria

The Sheriff's Unit Citation may be awarded to an organizational unit of the Department for bravery by its members functioning as a team in pursuit of a worthwhile objective.

### Description

This award shall consist of a framed certificate.

- Meritorious Unit Citation

### Criteria

The Meritorious Unit Citation may be awarded to an organizational unit for outstanding service by its members functioning as a team in pursuit of a worthwhile objective. A unit may be comprised of several different agencies operating as an organized regional element that achieve outstanding service. These units, such as a task force, may be recognized by the Department if there are Sheriff's personnel integral to those units providing significant contributions. The Meritorious Unit Citation may be accompanied with a commendation bar. The commendation bar would be appropriate during rare, major or significant events that occur only once or twice a decade. The color of the commendation bar will be event specific. The commendation bar can also be issued to involved professional staff.

### Description

This award shall consist of a framed certificate or with accompanying commendation bar.

- Certificate of Commendation

A Certificate of Commendation shall be awarded to Department members or members of another law enforcement agency who perform outstanding acts of service, which assist the Department in fulfilling its objectives. Such acts shall be evaluated on the basis of being above and beyond normal job requirements and accomplished with perseverance and dedication to duty. This award shall consist of a framed certificate.

- Letter of Commendation

A Letter of Commendation shall be awarded to Department members or members of another law enforcement agency who demonstrate exceptional job performances, which materially contribute to the Department's mission, but to a lesser degree than required for the Certificate of Commendation. This award shall consist of a framed letter.

- Report of Exemplary Performance

A Report of Exemplary Performance shall be awarded to Department members for service worthy of recognition, but to a lesser degree than required for the Letter of Commendation.

A Report of Exemplary Performance shall be submitted by the division/facility/station commander to their Bureau Commander for approval. After approval is given, the Report of Exemplary Performance shall be prepared by the division/facility/station staff on the prescribed document (available from the Sheriff's Stores) and shall be awarded by the recipient's division/facility/station commander. A copy of this report shall be placed in the employee's departmental personnel file.

- Employee Service Awards

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Employee Service Awards shall be awarded to Department members in recognition of their length of service with the County of San Diego. These awards are not subject to review by the Award Review Board and are not presented at the Departmental Awards Ceremony, except for service of 20 years or longer.

### **Citizen Awards**

- Distinguished Service Award

#### Criteria

The Distinguished Service Award is the Department's highest civilian honor. This award shall be presented to private citizens for distinguished service involving great risk of personal injury, for an act of distinguished service, or for a major contribution, which exemplifies and fulfills the Department's objectives.

#### Description

The Distinguished Service Award is a gold Sheriff's star suspended from a dark blue/light blue neck ribbon attached to a gold bar inscribed with the words "Distinguished Service", and a framed certificate.

- Meritorious Service Award

#### Criteria

The Meritorious Service Award is the Department's second highest civilian award. This award shall be presented to private citizens for meritorious service involving possible risk of injury, or for an act of meritorious service, or for a noteworthy contribution, which exemplifies and fulfills the Department's objectives.

#### Description

The Meritorious Service Award is a bronze Sheriff's star suspended from a dark blue/light blue ribbon attached to a bronze bar inscribed with the words "Meritorious Service", and a framed certificate.

- Civilian Commendation

The Civilian Commendation shall be awarded to a private citizen who performs commendable acts, services, or contributions, which exemplify and fulfill the Department's objectives. This award is a framed certificate.

- Certificate of Appreciation

A Certificate of Appreciation shall be awarded to private citizens for the intelligent performance of an act, which assists the Department in fulfilling its objectives. The act shall constitute valuable service to the Department. This award is a framed certificate.

- Letter of Appreciation

A Letter of Appreciation shall be awarded to a private citizen for performing a service, which contributes to the accomplishment of the Department's mission, but to a lesser degree than required for the Certificate of Appreciation. This award is a framed certificate. (11-10-22)

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## **SECTION 3 Personnel**

**3.25 THREATS OF PHYSICAL HARM TO EMPLOYEES AND ELECTED OR PUBLIC OFFICIALS**

Any information of a serious threat of physical harm, against any Sheriff's employee or family member, shall immediately be reported to the employee and the threatened employee's supervisor. Notification shall be initiated by any Sheriff's employee who becomes aware of the threat. Threats of a serious nature against any Sheriff's employee or family member will be investigated with earnest and will not be disposed without a thorough investigation.

The employee's supervisor will promptly confer with the threatened employee and take appropriate action in an attempt to ensure the employee and the employee's family member's immediate safety. The employee's supervisor shall initiate immediate verbal notification, via the chain of command, to his/her appropriate Assistant Sheriff for proper notification. In addition, the employee's supervisor shall immediately verbally report the threat to the Threat Assessment Group (TAG) Sergeant.

The employee's supervisor will ensure that the threat is properly documented in NetRMS. The special studies field located in NetRMS for "Employee Threatened" will be appropriately marked for statistical purposes. The primary investigation of the threat will be handled by the Threat Assessment Group.

**Command's responsibilities:**

A crime or miscellaneous incident report will immediately be taken by the affected command. The Approving Sergeant will immediately forward the case to the TAG Sergeant for follow-up and disposition of the case.

**Threat Assessment Groups responsibilities:**

The TAG Sergeant will immediately assign a detective to promptly work the case and thoroughly document the investigation. The primary detective will act as a conduit between the necessary bureaus and allied agencies. The TAG Sergeant will immediately assign a Criminal Intelligence Analysts who will conduct a comprehensive Threat and vulnerability Assessment on the threatened Employee.  
Threats to Elected and Public Officials

Any serious threats to elected and public officials within the County of San Diego received by a member of the Sheriff's Department shall be reported immediately to the Criminal Intelligence Detail directly or to the Communications Center if after normal business hours.

Threats to Elected and Public Officials who live or represent citizens within the Sheriff's Jurisdiction will be assigned and investigated by the Threat Assessment Group.

**Communication Center responsibilities:**

The Communication Center will make the following notifications when a threat is received:

The Criminal Intelligence Detail Lieutenant and Captain.

The Communication Center Watch Commander and Captain.

The COC Watch Commander will notify the Communication Centers of any city police department within the County of San Diego when a threat is received of an elected official within the city's jurisdiction. Additionally, the watch commander will notify state or federal law enforcement agencies when a threat is received against a state or federal official.

The FBI will be notified of any threat against a federal official. The FBI notification can be made at any hour of the day or night at the FBI radio room.

The California Highway Patrol will be notified of all threats against a state official by notifying the Border Communications Center

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### **Threat Assessment Group responsibilities:**

A TAG Detective will be assigned to all valid threats of public officials. The detective will determine the agency with primary investigation responsibility based on the following criteria:

Federal officials – The FBI

State officials – The CHP

County Officials – The Sheriff

City officials – The City's Police Department or the Sheriff if a contract city

The TAG detective will contact the agency with primary responsibility for the investigation. The TAG detective will support the investigation by working with the agency with jurisdiction or the Sheriff's area command assigned for the follow-up investigation. A threat assessment will be conducted by TAG, if necessary, within the Sheriff's command.

### **Area Command responsibilities:**

A crime or incident report will be taken by the affected area command. The area command will provide any other support functions normally provided to citizens within the command area as necessary.  
(03-03-15)

## **3.26 BADGES AND IDENTIFICATION CARDS**

### **Sworn Employees**

Sworn personnel will be issued one standard uniform badge, one flat badge with a leather wallet, and one identification card.

### **Professional Staff**

Professional staff will be issued one identification card.

Employees who are in specialized assignments and need a Sheriff's staff badge should write a justification via their chain of command for approval to the Assistant Sheriff of their bureau. When the Assistant Sheriff of the affected bureau has granted approval, the Personnel Division will assign a Sheriff's staff badge to the employee.

### **Community Service Officers**

Community Service Officer Personnel will be issued one Community Service Officer uniform badge and one identification card.

### **Honorary Deputy Sheriffs**

Honorary Deputy Sheriffs may be issued an identification card when authorized by the Sheriff.

### **Dignitaries**

Dignitaries or other persons deemed appropriate by the Office of the Sheriff may be issued an identification card. The expiration date of the card will be determined by the Office of the Sheriff.

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### **Student Workers**

Student workers are compensated, short-term employees. They may be issued an identification card when authorized by the Personnel Division. The card will have an expiration date one year from the date of issue.

### **Student Interns**

Student interns are volunteers, not compensated by the Department. They may be issued an identification card when authorized by the Personnel Division. The card will have an expiration date one year from the date of issue.

### **Reserves**

Reserves may be issued an identification card, one flat badge with a leather wallet, and one standard uniform badge when authorized by the Reserve Coordinator.

### **Senior Volunteer Patrol**

Sheriff's Volunteer Patrol members may be issued an identification card and one standard uniform badge when authorized by the Volunteer Coordinator.

### **Volunteer Mounted Unit**

Sheriff's Volunteer Mounted Unit members may be issued an identification card and one standard uniform badge when authorized by the Volunteer Coordinator.

### **Explorers**

Sheriff's Explorers may be issued an identification card and one standard uniform badge when authorized by the Volunteer Coordinator.

### **Chaplains**

Sheriff's Staff Chaplains respond to department critical incidents and emergencies. Sheriff's Chaplains may be issued one standard uniform badge, one flat badge with a leather wallet, and one identification card.

### **Citizen Volunteers (Other)**

All other volunteers may be issued an identification card when authorized by the Volunteer Coordinator.

### **Retired Personnel**

All Honorably Retired personnel will be issued an identification card. Sworn personnel wanting a CCW endorsement must meet the requirement set forth in Policy and Procedures section 8.7 in order to maintain a CCW endorsement on their retired I.D. card. If an employee defers their retirement, they are not eligible to receive a retired I.D. card or CCW endorsement.

Note: Honorably Retired means any employee who has qualified for and has accepted a service or disability retirement. As used in those provisions, honorably retired does not include an employee who has opted for a service retirement in lieu of termination/resignation or has a pending investigation into an allegation of serious misconduct.

### **Associate Agency Identification Cards**

Associate Agency identification cards may be issued to the following applicants upon approval:

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- The applicant is currently assigned to a Sheriff's Task Force, Detail or Unit.
- The applicant is a member of a regional task force wherein Sheriff's personnel are also assigned.
- The applicant supports Sheriff's law enforcement operations and access to specified locations is required in furtherance of those duties.

The Associate Agency ID/Access Card Application (IDA) (Form PER-32) is available through Personnel). The application will be approved via of the chain of command up to the station or division captain, and then forwarded to the Sheriff's Personnel Backgrounds Sergeant for a background and records check. Once cleared, the Associate Agency application will be forwarded to the Personnel Captain for final approval. Personnel will notify the affected command upon final approval and schedule the applicant for any further processing as required. The station/division captain sponsoring the Associate Agency employees will maintain a roster of all Associate Agency personnel within his/her command.

Upon termination of service to the station/task force, the sponsored Associate Agency employee shall surrender the ID card to the station/division commander or designee. The station/division commander or designee shall immediately notify the Sheriff's Access Administrator and the account will be deleted. The station/division captain or designee will then return the IDA card to Sheriff's Personnel.

The Sheriff's Personnel Backgrounds Sergeant is charged with maintaining a current and historical list of all Associate Agency personnel. The Backgrounds Sergeant will conduct a verification/inventory of all Associate Agency personnel at the stations at least twice annually.

### **Issue and Return of Badges and/or Identification Cards**

Badges and identification cards remain the property of the Department and will be returned by the employee when no longer current or when separating from the Department. Upon termination of assignment Associate Agency appointees are required to turn in their identification card/and or badge if issued.

### **Color Coding of Identification Cards**

#### **Green shall be issued to all the following personnel.**

The Green color indicates that the wearer is of a classification that is allowed to be armed. If there are any exceptions to this, an indication will be made on the front or back of the card:

#### Sworn

Honorably Retired, or Medically Retired Sworn personnel

#### Reserves

Honorably Retired Reserves

Associate Agency Sworn Personnel

Retiree Rehire Sworn Personnel (960s)

#### **Blue shall be issued to the following personnel:**

#### Professional Staff

Associate Agency non-sworn personnel

#### Explorers

Volunteers (Except Sworn Reserves)

#### Student workers

Retiree Rehire Non-sworn personnel

Honorary Deputy Sheriff's Association personnel

#### **Red shall be issued to:**

#### Contract workers

Temporary Use

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**Display and Use**

The badge and current identification card may be used for official business purposes. Badges and/or identification cards may be used to verify employment upon request but shall not be offered as an inducement for such services. The same rule applies to traffic stops and/or other police contacts when contacted as an individual vs. Sheriff's employee. When required by others as verification of employment in the normal course of business, the badge and/or identification card are acceptable for use. All employees should be certain that the other parties in transactions are aware of the reasons for the offer of the badge and/or identification card. Employees should assure there is no likelihood such offer can be construed as intimidation, coercion or solicitation of a gratuity.

All professional staff employees authorized to carry a "Sheriff's Staff Badge" are reminded the badge confers no police power whatsoever. It is to be used as a ready means of business identification only.

Any abuse of badges and/or identification cards will be reviewed in accordance with Penal Code Section 538d and could result in disciplinary measures. The identification card and badge will be in the immediate possession of all employees during their normal working hours.

**Damage and/or Loss**

Should a badge require repairs, it will be turned into the Personnel Division and returned to the employee following completion of the repairs.

If an identification card or badge is lost or stolen, Personnel shall be notified immediately in order to deactivate its access to Sheriff's buildings. The lost or stolen card or badge should be reported with a Form SO-5 (Report of missing, Stolen or Damaged Supply Items) submitted, through the chain of command, to the Personnel Lieutenant immediately. Additionally, the employee whose badge and/or identification card has been lost, damaged or stolen must submit a Crime Report on an ARJIS-2 Form. (01-4-21)

**3.27 EDUCATIONAL ENCOURAGEMENT**

These guidelines will assist the personnel in planning their goals towards an education that will both benefit the employee and the Department. The Sheriff encourages personnel to attend an accredited college or university and to obtain a minimum of a Bachelor's Degree.

Supervisors, preparing work schedules to accommodate members wishing to attend classes, must first assure adequate staff coverage.

The course of study being pursued by the employee should be job related or enhance the employee's job skills.

The supervisor should receive a schedule regarding the classes the employee plans to attend, the course title, location of attendance and the days and times the classes are scheduled to meet.

The employee's continued participation in the schooling should be subject to verification upon request by the employee's supervisor. (09-15-98) (Reviewed 1-26-2011)

**3.28 PARTICIPATION IN YOUTH RECREATIONAL PROGRAMS**

**Policy Statement Only**

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### 3.29 BODY ARMOR

#### Issuance

The Weapons Training Unit will provide an authorization letter to qualified employees for fitting and issuance of soft body armor by the vendor. New employees will be issued soft body armor according to the following:

Community Service Officers and Lateral Deputy Sheriffs (all classifications)

Sheriff's Personnel Division is responsible for notifying the Weapons Training Unit sergeant of the need for issuance of personal soft body armor for newly hired Community Service Officers and lateral Deputy Sheriffs. Upon notification, the Weapons Training Unit sergeant will confirm the need and issue the employee an authorization letter. The employee is responsible for taking the original letter to the authorized vendor within 30 days of the date on the letter. After 30 days, the authorization letter will no longer be valid and the employee must contact the Weapons Training Unit.

Detention/Courts Deputy and Law Enforcement Deputy

Newly hired Deputy Sheriff's will be provided soft body armor by the Weapons Training Unit prior to graduating from either the Detentions Academy or the Regional Law Enforcement Academy. Sheriff's Academy staff is responsible for contacting the Weapons Training Unit sergeant in a timely fashion in order to ensure body armor is issued prior to graduation.

Rifle Rated body armor will be distributed as determined necessary by the Weapons Training unit and individual unit commands.

Deputies assigned to positions as detectives or special purpose officers, where the need for an outer vest carrier arises, will be issued a department approved external vest cover. The unit's command should contact the Weapons Training Unit stating the need for the vest carrier. The Weapons Training Unit will then provide a vest letter for the deputy to contact the vendor for issuance.

#### Replacement

Soft body armor will be replaced just prior to the end of the warranty period. Each vest panel is marked with the date it comes from the manufacturer. The vest panels expire 5 years from this date. It is the employee's responsibility to ensure their vest is current and not out dated. During required uniform inspections, the supervisor is responsible to ensure the employee's body armor is within the warranty period. If the employee or the supervisor determines the body armor requires replacement, the following procedure will be utilized.

The employee's sergeant or lieutenant will send a notification to the Weapons Training Unit sergeant advising of the vest panel expiration and request the replacement of the existing body armor.

The Weapons Training Unit sergeant will review the request and issue an authorization letter for replacement of the body armor.

Upon receipt of the authorization letter, the employee will take the original letter to the authorized vendor for replacement of their body armor within 30 days. The authorization letter is valid for 30 days from the date of issuance. After 30 days, the employee must contact the Weapons Training Unit.

Rifle rated body armor will be replaced as determined necessary by the Weapons Training Unit.

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All body armor will be sent to the Weapons Training Unit by the vendor. The employee is responsible to pick up their body armor upon notification.

The Weapons Training Unit will maintain all paperwork relating to the ordering of body armor and a list of employees with corresponding vest replacement dates.

### **Personal Soft Body Armor**

Each vest unit consists of a contoured front panel, a straight rear panel, and Velcro harness. The unit also includes two black cloth carriers to protect the vest panels from unnecessary soil. Personnel assigned to the Special Enforcement Detail are authorized to obtain an additional green carrier. Personnel assigned to Prisoner Transportation are authorized to obtain an additional black carrier. Law Enforcement deputies are assigned two sets of vest carriers. Detention/Court Services are assigned one vest carrier.

Wearing of both the front and rear vest panels is mandatory for uniformed Law Enforcement field personnel; Community Service Officers; personnel assigned to CSB weapons screening duties, CSB bailiff duties and also applies to Detentions/Courts personnel during assignments outside the secured confinement of a detention facility. Division commanders may authorize removal of soft body armor when the conditions exist which could adversely affect the employee's mental or physical condition, or impair the employee's ability to effectively perform his/her duty.

### **External Vest Cover**

The department approved external vest cover contains inserts for a deputy to place his or her soft body armor. Approval for the external vest cover must be from the employee's command and the Weapons Training Unit supervisor.

For a list of approved external vest covers refer to the Weapons Training Unit intranet site.  
<http://ssp.sdsheriff.com/HRB/Training/WTU/default.aspx>

### **Rifle Rated Body Armor**

Deputies should wear department issued rifle rated armor during incidents with potential of a suspect armed with a firearm. Department issued rifle armor should be worn in addition to department issued soft body armor, unless tactical considerations exist that makes the wearing of both armors impractical.

**Employees are not authorized to wear any type of personally-owned body armor.**

### **Care and Maintenance**

All personnel are responsible for the proper care and condition of the vest panels and carriers.

The permanent coverings on the armor panels are water repellent, and should be sponged off whenever necessary, using a mild detergent and water, and then wiped dry. Do not soak in water, dry clean, machine wash, use bleach or use fabric fresheners on the vest panels as the panels may be adversely affected.

The cloth vest carrier is machine washable and may also be machine dried. The frequency of laundering is best determined by the amount of use and personal hygiene standards. For additional care and maintenance instructions, see booklet that comes with the issued body armor.

Vest panels and/or carriers which are damaged through normal wear, or which require any type of maintenance repair, are to be returned to the Weapons Training Unit where a new request form will be issued for a replacement.

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Employees are prohibited from altering their vest panels or carriers. If alterations are needed or the employee encounters a significant weight change, the employee is to contact the Weapons Training Unit.  
(Revised 1-7-19)

### 3.30 SHERIFF'S SPECIAL FUNDS

The Sheriff's Special Fund is to be used primarily for purchasing evidence and/or purchasing of information (referred to as PE/PI) that must be kept confidential due to the sensitive nature of an investigation, or where necessary to ensure safety and security. It is not intended or permitted to be used in lieu of other budgeted funding sources or regular methods of procurement, such as the P-card, petty cash, or the contracting/purchasing process except as outlined below.

Purchasing of investigative equipment may be permitted if the equipment purchased relates to a specific case and there are no other expeditious means to purchase that equipment. The equipment must be deemed appropriate and necessary and requires written notification to the Financial Services Division (FSD) within 14 days of the purchase to insure proper inventory tracking. This requirement may be delayed for sensitive cases only with the written permission of the Undersheriff via a memorandum routed through the chain of command.

Additionally, the fund is not to be used for general travel. Exceptions can occur, but there must be a need and be related to a specific investigation. A detailed case synopsis of the investigation, containing the investigative case number and detailing the need for an exception shall be routed through the chain of command for approval by the Sheriff or Undersheriff. This synopsis should accompany the appropriate travel forms and ideally be done prior to travel taking place. However, certain circumstances may allow for verbal approval with written documentation to follow.

#### Operational Guidelines

Rules governing Special Funds management, turnover, disbursement and replenishment of funds, payment of informant fees and expenses, and required recurring training are listed under SID/NGD Manual Section 2.35.

#### Responsibility for Audits and Reports on Sheriff's Special Fund

##### Unit/Station/Division Commanders

- Request funds from the Special Fund accountant with written justification.
- File written monthly reports by the 15th day of the following month detailing expenditures and fund balance at the end of the prior month. File annual reports in accordance with the approved format by July 31st detailing annual fund transactions and balance at the end of the fiscal year.

##### Bureau Commanders

- Attend annual on-site reviews of special fund records to ensure that special funds are being utilized properly.

##### Special Fund Accountant-Financial Services Division

- Processes claim to Auditor and Controller for funds.
- Maintains central records of Special Fund.

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- Receives requests for funds from station/unit/division commanders and prepares checks from the Central Fund for the Undersheriff's signature or authorized signatories.
- Routes checks through the Undersheriff or authorized signatories.
- Disburses money from the Central Fund bank account.
- Reviews and reconciles monthly and annual reports received from station/division commanders.
- Prepares the year-end report to Auditor and Controller according to the fiscal year-end closing schedule, usually by mid July .
- In conjunction with the bureau commanders, conducts the annual audit of all operational special funds by October 15th and reports audit findings to the Sheriff via the Chief Financial Officer and Undersheriff by October 31st.

### **Chief Financial Officer, Fiscal Services Division**

- Reviews records maintained by the Special Fund accountant throughout the year.
- Reviews and approves checks prepared by Special Fund Accountant.
- Discusses unusual requests for funds with Bureau Commanders or Assistant Sheriff, Law Enforcement Services.
- Forwards checks to Undersheriff for signature or signs the check when authorized.
- Reviews and approves annual audit of special funds. Prepares report of findings and recommendations for the Undersheriff, via the Bureau Commanders, Executive Director and Assistant Sheriff of Law Enforcement Services.

### **Undersheriff**

- Reviews and approves the annual audit report on Special Funds from the Chief Financial Officer.
- Reports any deviation from normal policies and procedures to the Sheriff. (04-21-22)

### **3.31 PROCEDURE UPON DEATH OR SERIOUS INJURY OF EMPLOYEE**

The following procedure sets forth details of providing assistance in the event of an employee's death while on duty in the following classifications.

Deputy Sheriff  
Deputy Sheriff, Detentions/CtSvcs  
Deputy Sheriff, 120 day re-hire  
Deputy Sheriff, Detentions/CtSvs 120 day re-hire  
Deputy Sheriff, Reserve  
Professional Staff  
Citizen Volunteers  
Explorers

### **Notification Responsibilities**

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The deceased employee's commanding officer or designee will notify, where applicable, the Sheriff or Undersheriff, the Personnel Captain, the Medical Liaison Unit and the Peer Support representative upon the death of an employee.

The commanding officer or designee will then see to the timely notification of the employee's family.

The Medical Liaison designee shall personally and promptly contact the surviving spouse or family and advise them of the Department's policy to provide assistance as may be appropriate or desired. A letter of condolence to the surviving family will be prepared by the Office of the Sheriff. Upon signature by the Sheriff, the letter of condolence will be presented to the addressee by the Personnel Captain.

The Personnel Captain or designee shall provide a letter, if applicable, to the surviving spouse or family member explaining in detail the resources available both from the County of San Diego and from the Sheriff's Department.

The letter may include:

- Wages and/or vacation pay due the deceased;
- County retirement benefits and who to contact regarding these benefits;
- Any County sponsored group insurance policies in force at the time of death, either life insurance and/or accidental death and dismemberment and who to contact regarding these benefits;
- If the death was work related, information concerning workers' compensation benefits and who to contact. In addition to the above, the letter will include reference to other benefits that may be available such as:
  - Social security benefits that may be applicable and referral to the local Social Security Administration Office (with phone number).
  - Reference to the fact that if the deceased was a veteran, certain benefits such as burial services may be available. The survivor will be referred to the local Veterans Administration Office including phone number.
  - A suggestion that the survivor should consider whether or not bank accounts or safety deposit boxes may have been left by the deceased.
  - A suggestion that they may want to change title to real property, automobiles, etc.
  - In addition to the above, assistance necessary to file a federal claim under the Public Safety Officers Benefits Act of 1975 will be provided to the survivors in those cases where applicable.

The Departmental representative must bear in mind that the use of the survivor's check list is totally dependent on the wishes of the survivor.

The Medical Liaison Unit will extend the services of the Sheriff's Honor Guard to survivors of the following personnel:

- Active Sworn Personnel
- Honorably Retired Sworn Personnel
- Active Reserve Personnel
- Honorably Retired Reserve Personnel

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Requests for representation outside the County of San Diego will be evaluated on an individual basis and approved through the chain of command by the Undersheriff.

The Personnel Captain or designee shall be responsible for collecting the employee's issued equipment, including badges, identification cards and keys. At the discretion of the Sheriff, their uniform badge may be encased in lucite and presented to the surviving family member(s). The Sheriff or designee shall present the family with the badge.

### **Off Duty Death**

Upon notification of the death of a sworn or retired officer, who is off duty, the Personnel Captain, shall afford the same assistance, when applicable, as the family of an active employee.

### **Injured Employee's Assistance Procedure**

In the event an employee is seriously injured, (i.e., hospitalized) the injured employee's commanding officer or designee shall notify the Sheriff or Undersheriff and Personnel Captain, and the Medical Liaison Unit. The employee's commanding officer or designee will then see to the timely notification of the employee's family and the Department's Peer Support Supervisor.

The commanding officer or designee will arrange the immediate transportation and other assistance as may be needed for the employee's family until a Peer Support member can respond and assume responsibility for providing further assistance as needed. (09-29-11)

### **3.32 COMPENSATION FOR TEACHING AT SHERIFF'S ACADEMY**

Sheriff's Department employees who receive compensation from the Community College District for their teaching activity must be in one of the following off-duty classifications:

Normally scheduled day-off  
Compensatory time off  
Vacation time off  
Leave without pay status

A Departmental employee is not prohibited from teaching at the Academy in an on-duty status if the sole compensation for such activity is the employee's regular Departmental salary. (04-01-98)  
(Reviewed 1-26-2011)

### **3.33 ARREST AND/OR BOOKING OF EMPLOYEE BY ANOTHER AGENCY**

**The Internal Affairs Lieutenant will:**

- Notify the Sheriff/Undersheriff, appropriate Assistant Sheriff.
- Notify the affected bureau commander/facility captain.
- Take custody of the arrested employee if released by the arresting agency if circumstances indicate it is necessary.
- Obtain any County property as required by the circumstances.
- Conduct any necessary follow-up investigation. (06-01-98) (Reviewed 1-26-2011)

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### 3.34 TEMPORARY LIMITED DUTY PROGRAM FOR INJURED OR ILL SHERIFF'S EMPLOYEES

#### Limited Duty

Limited Duty is defined as a temporary assignment held by an employee who has a medical restriction(s) which prevents him/her from performing one or more of the Essential Job Functions of his/her job classification. The Department does not maintain permanent limited duty assignments. The expected time in a limited duty assignment is up to six months for a specific injury and/or body part. If special circumstances are presented, a written request from the employee for an extension will be reviewed by the Human Resource Services Bureau Commander.

Limited Duty assignments under this section are separate and apart from the reasonable accommodation process where the Department provides an employee temporary or permanent accommodations in his/her position such that he/she is able to perform all of the Essential Job Functions of the position

The Risk Management/ Medical Liaison Unit (MLU) shall manage the Limited Duty program. The MLU will supervise the functional components, which include, but are not limited to, the following tasks:

- Obtain documentation from the employee that includes a description of the relevant physical or medical *limitations* identified by a medical authority and a prognosis of the employee's ability to perform the Essential Job Functions of his/her current position.
- Recommend assignment of a temporarily injured or ill employee to a Limited Duty assignment or another status upon notification of work limitations by a medical authority.
- Recommend reassignment of an employee from a temporary Limited Duty assignment to another status, based on written notification from a medical authority; for example, the employee may improve so he/she can return to full duty or return to full duty with permanent restrictions that could be accommodated.
- Conduct or oversee comprehensive investigations of cases involving the reported injury or illness of an employee.
- Establish and maintain appropriate liaison with all County agencies that are involved in any aspect of personnel resource management which includes, the Civil Service Commission, County Counsel, Department of Human Resources (Risk Management Division, Workers' Compensation Office, Medical Standards, Employee Benefits) and the San Diego County Employees Retirement Association.
- Develop and maintain records and files, and prepare and disseminate reports to appropriate individuals and agencies as required, including a monthly report reflecting the status of all injured or ill employees, who are in a temporary Limited Duty assignment or otherwise working with temporary work restrictions, or on temporary total disability leave, or are unable to return to work due to permanent work restrictions.
- Review and oversee the accommodation process for employees who have temporary or permanent work limitations.

The MLU and Sheriff's Personnel Division will monitor the number of positions that are vacant due to injury or illness. The Sheriff's Personnel Division will monitor the timely and equitable distribution of personnel to all functional units to ensure that all required organizational tasks will be accomplished.

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Injured or ill employees shall comply with all medical work restrictions while working in any limited duty assignment, while totally temporarily disabled, and while working full duty with temporary and/or permanent limitations. Employees are prohibited, while on duty or off duty, from participating in activities or tasks that are in conflict with any medical work restrictions. Employees who violate their identified work restrictions may be subject to disciplinary action up to and including termination.

While subject to any temporary work restrictions, injured or ill employees shall have periodic follow-up visits with their treating physician. Following each visit, the employee will submit a work status report to the Medical Liaison Unit. For work-related injuries, the "Status Report for Occupational Injury or Illness" (MLU-1 form) should be used. If the employee has been released to work limited duty with restrictions, the Status Report shall provide the specific work limitations. A Status Report must be provided to MLU after every follow-up visit; the maximum interval between the follow-up visits shall not exceed 45 days. It is the employee's responsibility to provide the Medical Liaison Unit with all Status Reports from his or her treating physician as soon as possible after each visit.

Reasonable release time may be granted for an employee who is on temporary limited duty for a work-related injury or illness to attend doctor and/or therapy appointments during his/her regularly scheduled shift. Employees are not eligible for release time and/or overtime to attend a medical appointment on their regular day off or before or after their shift. Once an employee has been released to full duty or has been declared permanent and stationary, no release time may be granted. Reasonable release time is defined as time to travel to the medical appointment, time for the appointment and travel time back to the facility. Reasonable release time may not exceed three hours. An employee is not eligible for release time to attend Workers' Compensation Appeal Board Hearings, Trials, Depositions and/or AME/QME/PQME Doctor appointments.

While working in a limited duty assignment or in a regular assignment with temporary work restrictions, the affected employee will work a schedule as determined by the Medical Liaison Unit and the supervisor where the employee is assigned. The schedule will be set in consideration of the work limitations as defined by the treating physician and the needs of the department. The employee's hours should coincide with direct supervision to ensure the medical restrictions are followed. Overtime must be approved in advance and must be in compliance with the identified work limitations.

Peace Officers in a Limited Duty assignment shall not report to work in uniform and shall not carry their duty weapon and peace officer badge in a visible location. The public has an expectation that uniformed personnel are capable of handling any situation that arises. Limited Duty personnel shall not respond to any situation that could further exacerbate their medical condition, slow the healing process, or result in another injury.

Employees on Total Temporary Disability leave (work-related or non-work-related) shall consider working hours to be 8:00 a.m. until 5:00 p.m. Monday through Friday. The employee shall be available for telephonic contact at his/her residence during these working hours. The employee is not prohibited from leaving to attend to personal or household needs. Employees are required to notify their immediate supervisor, as well as the Medical Liaison Unit, for any intended absences from their residences during their convalescence that exceeds one weekday. Therefore, prolonged periods of time away from the residence for vacations, medical treatment, or other circumstances must be reported in advance; the employee is required to provide to his/her immediate supervisor, as well as the MLU, information on where and how the employee may be contacted during these periods of absence, except when on authorized vacation time. Employees who have personally assigned vehicles shall return their vehicles to their home facility if they are on Total Temporary Disability for more than 30 calendar days. Employees who move out of the State of California and/or out of San Diego County (or a contiguous County) either on a permanent or temporary basis shall return his/her weapon and issued equipment to the Weapons Training Unit or their home facility prior to leaving the County.

Department approval for secondary/outside employment may be suspended during periods of Total Temporary Disability or while temporary restrictions are in effect.

Injured or ill employees should expect periodic contacts from the Medical Liaison Unit and/or their supervisor during their recovery period. In certain cases, at the discretion of the Assistant Sheriff HRSB, specific

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investigative efforts may be made to verify the employee's adherence to activities enhancing an early return to full duty assignment.

In cases where a medical authority provides permanent work restrictions that cannot be accommodated in the employee's job classification or the employee otherwise is unable to return to work, the Medical Liaison Unit will provide assistance to the employee with all retirement and compensation issues and information regarding possible transfers to other County positions, and ensure that the employee is formally separated from the position.

### **Temporary Limited Duty Program Assignment**

The Assistant Sheriff HRSB or designee, with MLU, shall determine an appropriate duty assignment for all temporarily injured or ill employees. When any employee has the need to work in a less-than-full duty capacity, that employee's supervisor shall immediately advise the MLU. Injured or ill employees may be returned to work full duty or in a temporary limited duty status when approved by the Assistant Sheriff HRSB or designee, if an approved medical authority provides adequate medical clearance to MLU.

An employee on a limited duty status will normally be assigned to their regular command if the medical limitations permit. If the employee's command cannot accommodate the employee's limited duty status, the employee could temporarily be reassigned to another command depending on the needs of the Department.

Pregnant employees will not be automatically placed on a limited duty status. The request for a Limited Duty assignment will be made by the pregnant employee and their doctor. When a Limited Duty assignment is requested by the pregnant employee, it must be accompanied by a medical report from a physician detailing the temporary medical limitations of the employee and the expected duration.

Limited Duty deputies are required to participate in Department qualification shoots unless restricted from doing so by an approved medical authority on the most recent "Status Report for Occupational Injury or Illness" (form MLU-1). To be exempted from a qualification shoot, the employee must obtain an exemption letter from the Medical Liaison Unit and must take and pass the Use of Force examination. Continued or repeated requests for exemptions will require approval of the HRSB Commander. Upon return from Limited Duty or Total Temporary Disability status to Full Duty, a Deputy that was exempted from a qualification shoot must schedule a make-up qualification shoot with the Weapons Training Unit before they can return to full duty. The make-up qualification shoot will be coordinated by the MLU to ensure all necessary paperwork releasing the Deputy to Full Duty has been received.

### **Restrictions of Peace Officer Powers**

Whenever notification is received that a deputy has suffered a disabling injury or condition which, in the opinion of an attending medical authority, disqualifies the deputy from performing the Essential Job Functions of a Deputy Sheriff, Deputy Sheriff-Detentions/CtSvs or any other sworn qualification, either totally or partially, the Captain of the Personnel Division may, with the approval of the Assistant Sheriff HRSB initiate written notification to the affected deputy setting forth appropriate conditions of restriction of peace officer powers. (Per authority of California Constitution, Article XI, Section 4(c); San Diego County Charter, Article VI, Section 605; and P.C. Sections 830, 832.) Written notifications shall be addressed to the deputy from the Sheriff.

Written notification of the restriction of peace officer powers may include but is not limited to:

- Surrender of the Department's duty weapons, badge and/or identification as dictated by the conditions/circumstances/restrictions/limitations.
- Removal of the right to carry a concealed weapon.
- Removal of the authority of a peace officer as granted in P.C. 830.1.

The restriction of peace officer powers of a deputy shall not affect that member's status for purposes of retirement per 830 P.C. A Deputy with restricted peace officer powers shall continue to retain the classification,

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receive the same salary and benefits, and have the same promotional opportunities as other deputies in the classification.

A restriction of peace officer powers under this section will continue until lifted and is subject to further evaluation by MLU every 45 days.

A deputy's violation of the restrictions on peace officer powers imposed by the Sheriff may result in appropriate criminal or administrative actions against the deputy.

### **Review of Department's Restrictions on Peace Officer Powers**

A deputy of this Department whose peace officer powers have been restricted under this section shall have the right to a review of the decision. However, the restrictions on peace officer powers will not be held in abeyance pending completion of the review. The review process shall be directed solely at whether the restrictions imposed are necessary and proper.

- A deputy desiring review of the decision shall, within five (5) working days of receipt of the order, submit a written request for a review to the Assistant Sheriff HRSB.
- The Assistant Sheriff HRSB shall, within five (5) working days of the receipt of a written request for review, designate a review officer with the rank of captain or above. The review officer shall schedule and conduct the review hearing within fifteen (15) working days from the date of being appointed by the Assistant Sheriff HRSB. During the review hearing the deputy may be accompanied or represented by an individual of the deputy's choice.
- The review officer and affected deputy shall be provided with all documentation in the possession of the Personnel Division that was used as justification for the imposition of peace officer restrictions, unless there is good cause not to provide it to the employee.
- The review officer shall consider all relevant information, written and/or oral, and may initiate further investigations in order to render an appropriate recommendation. The written recommendation shall be submitted via the Assistant Sheriff HRSB and the Undersheriff to the Sheriff within ten (10) working days.
- The Sheriff, after reviewing the documentation and recommendation of the review officer, will make a final decision as to the appropriate restrictions on peace officer powers, if any, to be imposed.

### **Property Control**

All Department property surrendered or seized as a result of this policy shall be delivered to the Sheriff's Personnel Division for proper disposition.

### **Return to Full Duty From TTD/Limited Duty Status**

It shall be the responsibility of the Risk Management/Medical Liaison Unit to monitor all employees who are on a TTD and/or Limited Duty status. Employees may at any time initiate a request for return to full duty by presenting to the Medical Liaison Unit verification from the attending medical authority of their ability to perform the Essential Job Functions, with or without reasonable accommodations. The Medical Liaison Unit will re-evaluate the employee's status and conduct/oversee interactive process meetings with the employee and supervisor and make the appropriate recommendation. The Assistant Sheriff HRSB (or designee), shall approve any change in duty assignments. (07-16-19)

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### **3.36 APPEAL PROCEDURE FOR ALLEGED PUNITIVE REASSIGNMENT**

Sworn personnel may request administrative review of alleged punitive reassignments by notifying the Captain in the Personnel Division in writing. Requests for administrative review must be received in the Personnel Division within five (5) working days from notification of reassignment.

The Personnel Division shall provide the employee a written report containing the basis for reassignment and any supporting documentation upon which the reassignment decision was made within five (5) working days from receipt of request for administrative review.

The employee shall thereafter submit a written report to the Personnel Captain detailing objections to the proposed reassignment. This report must be received in the Personnel Division within five (5) working days from receipt of reassignment report outlined above.

The Undersheriff or his designee shall appoint a hearing officer of the rank of captain or above who shall schedule a review hearing within three (3) working days after receipt of the employee's written objections. Said hearing officer shall not be selected from among those persons who directly participated in the order of transfer or those persons in the appellant's direct chain of command.

The Undersheriff, or his designee, shall determine who will be the Department Advocate.

The employee and Department Advocate, and/or their representatives, shall be provided an opportunity at the review hearing to present oral and/or documentary evidence in support of their respective positions.

- The conduct of the hearing shall be ruled by the hearing officer.
- The hearing officer may compel the attendance of witnesses that he determines are necessary to the fair and equitable resolution of the issues.
- The Department and/or the employee may make a record of the hearing at their own expense.
- The appellant may be represented by an attorney or a representative.
- The Department Advocate shall represent the Sheriff's Department.
- The hearing shall be conducted as follows:

A hearing date, time, and place shall be selected by the hearing officer.

The Department Advocate shall present witnesses and documents supporting the Department's position.

The appellant may examine the Department's witnesses and documents.

The appellant shall present witnesses and documents supporting his/her position.

The Department advocate may examine the appellant's witnesses and documents.

The hearing officer may examine all witnesses, all documents and shall rule on all objections made by either side.

The Department Advocate may make a closing statement.

The appellant or his/her representative may make a closing statement.

When, in the opinion of the hearing officer, both sides have had sufficient time to present their positions, the hearing officer shall terminate the proceedings.

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The hearing officer, after evaluating all pertinent information, shall initiate written findings and recommendations within five (5) working days after the review hearing to the Sheriff.

- This report shall specifically address the following points:

A determination of whether or not the proposed reassignment was punitive.

A determination of whether or not the proposed reassignment was reasonable and proper even though punitive in nature.

A copy of the hearing officer's report shall be made available to the appellant. Reports generated from this procedure are final. Copies of this report will be stored in a locked file in the office of the Personnel Lieutenant.

The Sheriff shall render the final reassignment decision. (Reviewed 4-8-2011)

### 3.37 EMOTIONAL STRESS PROCEDURE

When an employee suffers psychologically and/or physically as a result of a critical incident:

- The employee's immediate supervisor shall ensure that all necessary reports documenting the incident are completed.
- The employee involved may be placed on Administrative Assignment with pay, by the Captain or Manager of his or her facility immediately following questioning or investigation of the incident. The employee may not return to duty in less than 24 hours. The Captain or Manager shall notify the Human Resource Services Captain.
- The Human Resource Services Captain or his/her designee may schedule an appointment for the involved employee with a medical and/or mental health provider.
- The medical and/or mental health provider will recommend to the Human Resource Services Captain or his/her designee the amount of administrative assignment if any, the employee requires.
- When the Human Resource Services Captain, or his/her designee, reviews the facts of the incident and the medical and/or mental health provider, he/she shall decide the duration of approved Administrative Assignment.
- An employee involved in a critical incident may be relieved of their duties and may be given a temporary assignment. The employee will remain in this capacity until cleared to return to duty by the Human Resource Services Captain. If the incident was related to the use of a firearm, sworn personnel are required to make arrangements with weapons training unit personnel, to qualify with their issued firearm, prior to returning to their original assignment. After successfully demonstrating firearms proficiency, sworn personnel may be returned to their original assignment held prior to the incident.
- The Human Resource Services Captain, or his/her designee, will advise the employee's command, in writing, of the employee's ability to return to duty from a physical and/or mental health standpoint.
- Once the employee is placed on administrative assignment, the Risk Management Unit should maintain regular contact with the employee.
- The employee is expected to fully participate in the initial medical and/or mental evaluation and on any follow-up session.

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- Mandatory administrative assignment and contacts with the psychologist are not an indication of fault or related to any criminal investigation of the incident. All contacts between the employee and the medical and/or mental health professional are confidential.

When an on-duty sworn or non-sworn employee's life has been in critical danger, or the employee has witnessed or been exposed to an unusual traumatic incident the employee's immediate supervisor shall meet with the employee and assess the need for counseling and/or other action.

The supervisor may:

- Refer the employee to a member of the Peer Support Unit.
- Refer the employee to the Department's Employee Counseling Services contractor.
- Recommend the employee be placed on administrative assignment and be referred to a medical and/or mental health provider. (09-29-11)

### 3.38 USE OF TOBACCO OR ELECTRONIC SMOKING DEVICES

Use of tobacco products or electronic smoking devices is prohibited inside all County facilities and vehicles (except in areas designated for such use). (12-16-14)

### 3.39 DONATIONS/SOLICITATION

Acceptance of gifts and donations to County departments is governed by County Code of Administrative Ordinances section 66 ("Admin Code sec 66") and Board of Supervisors Policy A-112 ("Board Policy A-112").

Acceptance of gifts and donations by Sheriff's personnel create certain practical and ethical difficulties. Department employees should use good judgment in dealing with potential donors to avoid the appearance of impropriety.

As used in this section "employee" refers to any employee, reserve, or volunteer of the San Diego County Sheriff's Department.

The following procedure shall be followed when an individual or organization offers a gift or donation to any employee of this department.

#### **Gift or Donation in Excess of \$5,000 – Board of Supervisors Ratification of Sheriff's Acceptance**

- An employee who has received an offer of a gift or donation to the Sheriff's Department in excess of \$5,000 shall submit a memorandum with an appropriate recommendation, based on the criteria established by Admin Code sec 66 and Board Policy A-112, to the Sheriff, via the chain of command and the Sheriff's Operational Planning Committee.
- The originating employee's memorandum will be reviewed by the Sheriff's Operational Planning Committee, which will make a recommendation to the Sheriff.
- The Sheriff will determine whether to accept or decline the gift or donation, returning the paperwork to the originating employee via the Sheriff's Operational Planning Committee.
- The originating employee shall notify the prospective donor of the Sheriff's decision. If the Sheriff has decided to accept the gift or donation, the originating employee shall advise the prospective donor that the Sheriff's decision is subject to ratification by the Board of Supervisors.

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- If the gift or donation has been accepted by the Sheriff, the analyst for the affected program will prepare and process an appropriate letter to the Board of Supervisors for ratification of the acceptance of the gift or donation. The analyst will also prepare an appreciation letter pursuant to Board Policy A-112 paragraph 6. The analyst may also prepare an appreciation letter for the Sheriff's signature, but in no case will the Sheriff's letter be released or sent before the Board letter is sent.

### **Gift or Donation of \$5,000 or Less – Sheriff Acceptance; Tentative Acceptance**

A gift or donation valued at \$5,000 or less may be accepted by the Sheriff pursuant to Admin Code sec 66. The following procedures shall apply:

A division commander/manager may tentatively accept a gift or donation under \$5,000 with the approval of his/her Assistant Sheriff/Executive Director. The division commander/manager shall write an acceptance letter for the Sheriff's signature to the donor. The Sheriff's signature shall constitute final approval and acceptance of the donation or gift. A copy of the signed letter shall be forwarded to the Sheriff's Operational Planning Committee for informational purposes. A second copy shall be sent to the Sheriff's Financial Services Division.

A station/facility commander/manager may tentatively accept a gift or donation valued at \$1,000 or less. The station/facility commander/managers shall write an acceptance letter for the Sheriff's signature to the donor. The Sheriff's signature shall constitute final approval and acceptance of the donation or gift. A copy of the signed letter shall be forwarded to the Sheriff's Operational Planning Committee for informational purposes. A second copy shall be sent to the Sheriff's Financial Services Division.

This policy is not intended to prohibit the receipt of reasonable hospitality by a Sheriff's employee during an emergency. (E.g., meals and/or beverages provided to employees providing emergency services during a fire).

### **Solicitation**

"Solicitation" as used in this section, refers to any requests for money or sales of items to raise money for or fund an organization, event, or group.

#### **1. Solicitation of the general public**

No employee shall solicit from any person, business, or organization in order to raise funds for, or procure goods or services for, any function, organization or event that primarily involves or benefits Sheriff's Department employees. A function, organization or event that primarily benefits an employee association recognized as the bargaining representative for Sheriff's employees shall not be considered a function, organization or event that primarily involves or benefits Sheriff's Department employees.

NOTE: "Primarily involves or benefits Sheriff's Department employees" includes any function or event that is not limited to Sheriff's Department employees, but which includes Sheriff's employees ostensibly "representing" the Sheriff's Department (E.g., "Baker to Vegas," "Police Olympics," etc).

An employee, while off duty and out of uniform, may solicit on behalf of an organization, function, or event that does not primarily involve or benefit Sheriff's Department employees, if he/she complies with all the following conditions

1. The solicitation does not occur on County property.
2. The employee does not appear in uniform.
3. The employee does not identify him or herself as an employee of the Sheriff's Department.
4. The employee does not use any County property or the County's voice or data network to aid in the solicitation.
5. The employee does not knowingly solicit any person, business, or organization that does business, or is seeking to do business with the County.

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### **2. Solicitation of other Sheriff's employees**

Sheriff's employees may solicit funds or other support for organizations, activities, groups, or events, from other employees of the Sheriff's Department, provided that the employee obtains department approval, and does not engage in any prohibited practices (See below)

#### **A. Department Approval**

Before any solicitation may occur by an employee, the Department must approve in writing the organization, activity, event, or group for which the solicitation is proposed.

Anyone seeking such approval for an organization, activity, event, or group that primarily involves or benefits Sheriff's Department employees (as defined above) shall submit a solicitation request, with supporting documentation, in the form of a memorandum, with an appropriate recommendation to the Sheriff, via chain of command. The request must also state that the employee has read and understands Section 3.39.

If approved by the Sheriff, employees shall be allowed to solicit on behalf of the organization, activity, or event until the occurrence of the activity or event, but in no event shall approval last beyond 60 days from the date of approval. (NOTE: Departmental approval for an event or activity that occurs on a periodic basis (such as annually) does NOT constitute approval for the activity or event in subsequent periods. (E.g., approval of "last year's event" does not negate the need for approval of "this year's event." Every year's event must be separately approved).

The Sheriff's Department may grant permission for employees to solicit other employees to raise funds for law enforcement related functions, events, causes, or organizations, or other events or organizations that perform a charitable or community function. The Sheriff's Department may deny permission to solicit on behalf of an organization or cause in the judgment of the Sheriff, such solicitation would negatively impact the working environment of the Sheriff's Department, or any unit within the Sheriff's Department.

An employee who wishes to solicit donations or sales for functions, events, causes, or organizations that perform a charitable or community function, and does not primarily involve or benefit Sheriff's employees shall comply with the above requirements, except that request need only be submitted and approved by the employee's unit head.

#### **B. Prohibited Practices**

Employees shall not solicit other employees during work hours (either of the solicitor or solicitee). Solicitations shall be confined to break or meal periods.

Employees may not use Sheriff's Department equipment, including but not limited to telephones, computers, computer network, or photocopier, for any solicitation purposes, unless approved by the Office of the Sheriff.

Employees must conduct themselves in a way that makes clear to other employees that an employee's contributions or non-contributions will not affect their employment or working relationship with the soliciting employee in any way, positive or negative. A soliciting employee must not treat employees differently based on their contribution or non-contribution.

Employees may not solicit from other employees or lesser rank, or subordinate employees.

#### **Inventory and Accountability**

The station/facility commanders/managers are responsible to account for all accepted or solicited donations/gifts by employees in their commands. An audit of donations, gifts and solicitations will occur at the same time as the annual financial audit or during a change of command financial audit.

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Station/facility commanders/managers are responsible for maintaining a copy of all correspondence/documents relating to accepting or soliciting donations/gifts. The correspondence/documents will be reviewed during annual financial audit or change of command financial audit.

All accepted or solicited gifts or donations which would be classified as minor equipment or fixed asset items, shall be assigned an inventory control number by the Department's Supply Section. (03-30-09)  
(Reviewed 4-8-2011)

### **3.40 SHERIFF'S DEPARTMENT BUSINESS CARDS**

The following cards and formats are authorized.

#### **Gold Foil/Personalized, embossed for:**

- Sheriff
- Undersheriff
- Assistant Sheriff
- Directors
- Commanders
- Captains
- Senior Managers
- Special Assistant to the Sheriff
- Legal Counsel to the Sheriff
- International Liaison
- Executive Director, Management Services Bureau
- Division of Inspectional Services

#### **Blue Personalized, are authorized for:**

- Lieutenants
- Sergeants with written approval of bureau commander.
- Deputies assigned to special details or functions with the written approval of the affected bureau commander.
- Crime Prevention Specialists
- Deputies may purchase their own cards through the Department's vendor with the approval of their bureau commander.
- Professional staff positions approved by the affected bureau commander or director.

#### **Blue/non-personalized are authorized for:**

- Sworn personnel not otherwise covered in Section 3.40.
- Professional staff personnel not otherwise covered in Section 3.40.

#### **The format of all cards will include:**

- Name of operational entity
- Address of same
- Telephone number of same
- FAX number, if applicable
- Internet address, if applicable
- Personalized cards will include the employee's name and rank or professional staff position.
- Non-personalized cards will bear a blank line on which with the first four items listed above may be provided. To personalize this generic card, the bearer may type, print, or write his/her name and rank in this location, or

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professional staff position.

Operational entities shall stock blue non-personalized cards with their location and telephone number which may be issued and used by all staff at that respective location.

It shall be the responsibility of the bureau commander/director to ensure that their personnel are in compliance with this directive. (Reviewed 1-26-2011)

### **3.41 TEMPORARY ASSIGNMENT PAY**

The affected command may submit written justification for the assignment of a temporary acting supervisor.

The assignment must exceed four (4) weeks, but must not exceed twenty-six (26) weeks. For employees in classes designated AE, CE, CL CM, CR, FS, HS, MM, PR, PS, PO, RN, SC, and SS the assignment must exceed three (3) weeks, but must not exceed twenty-six (26) weeks.

The employee assigned must be qualified to perform the duties of the higher class.

The delegation of supervisory authority may include all of the responsibilities held by the incumbent. (06-01-98)  
(Reviewed 4-8-2011)

### **3.42 PROCEDURE UPON RETIREMENT OF EMPLOYEE**

#### **Sworn Department Employee**

Sworn Employees are eligible to retire based on their years of service, age and retirement tier. In addition, employees may retire with a service or non-service-connected disability retirement.

Note: Honorably Retired means any employee who has qualified for and has accepted a service or disability retirement. As used in those provisions, honorably retired does not include an employee who has opted for a service retirement in lieu of termination/resignation.

When a sworn member of the Department decides to retire, he/she should:

Contact the County Retirement Office to have retirement service credit verified and to start the retirement process.

Obtain a retirement date at least 21 days in advance.

Notify his/her immediate supervisor of the retirement date giving at least six weeks-notice, if possible.

Contact the Career Path Sergeant at least six weeks in advance of the chosen retirement date. Arrange with the Sergeant to turn in assigned equipment, Department I.D. card and sign final papers on the last day worked, or a mutually agreeable day.

The Career Path Sergeant will:

Seek approval from the Human Resource Services Bureau (HRSB) Commander to grant CCW privileges to the retired peace officer. If the CCW privilege is denied, the Career Path Sergeant shall notify the retiree of the denial, the reason for the denial and that the retiree has fifteen (15) days to request a hearing to appeal the decision pursuant to California Penal Code section 26310. The Career Path Sergeant shall document this on the Career Path Employee Separations form.

If a hearing is requested within 15 days of the denial, the Career Path Lieutenant shall set up the hearing and notify the retiree when and where the hearing shall take place. Pursuant to Penal code

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section 26320, the hearing will be held before a three-member hearing board. One member of board shall be selected by the Department and will typically be the HRSB Assistant Sheriff. The second member shall be selected by the retired sworn peace officer or his or her employee organization. The third member shall be selected jointly by the Department and the retired peace officer or his or her employee organization. The Personnel Captain, or their designee, will be assigned to present on behalf of the Department. The Career Path Lieutenant shall notify the retiree of the Hearing Board's decision and it will be documented in the Career Path Employee Separations form which will become part of the retiree's personnel file

Process the necessary paperwork including what is necessary for CCW/Firearms qualifications.

If the employee honorably retires, the Department will arrange for the employee's badge to be engraved as "Honorably Retired" and presented to the retiree as an employee recognition award. The only exception to this is a non-service-connected disability retirement (see below).

Arrange to have a retired I.D. card issued.

Sworn employees separating with a non-service-connected disability retirement who do not otherwise meet the service time or age requirements outlined above and are requesting a retired I.D. card and/or endorsement for CCW, can be approved on a case by case basis by the Undersheriff. The Career Path Sergeant will write a memorandum to the Undersheriff, routed through the chain of command, containing the following:

Employee's service time

Employee's work assignments

Employee's evaluations/work performance

Any other information the Career Path Sergeant deems necessary

As part of the review by the Human Resources Services Bureau Commander, the employee's Internal Affairs and Medical Liaison Unit files will be reviewed. Relevant information will be noted in the endorsement section of the memorandum or documented in a supplemental memorandum.

If the Undersheriff approves the request for "Honorably Retired" status, the retiring deputy will receive all Department privileges outlined in this procedure and as permitted by law.

Sworn employees separating with a service-connected disability retirement shall be issued a retired I.D. card. Endorsements for CCW & Firearms qualifications on the retired I.D. card shall meet the same conditions and restrictions identified in P&P Section 8.7.

Sworn employees who honorably retire with 10 or more years of service credit with the Sheriff's Department or who promoted during their employment with the department, have the option to purchase their previously assigned uniform badge(s), upon retirement.

Upon approval of the Sheriff, Undersheriff, or their designee, sworn employees who honorably retire with 10 or more years of service credit with the Sheriff's Department or who, with the Human Resource Services Bureau (HRSB) Commander approval, honorably retire on a service-connected disability retirement, have the option to receive their issued service handgun upon retirement. The service handgun received by the retiring sworn employee shall not bear any markings indicating that the handgun is or ever was the property of the Sheriff's Department or the County of San Diego. The transfer of all qualifying service handguns will be handled in accordance with all federal, state and local laws. The handgun transfer will be handled by the Weapons Training Unit, after all necessary approvals have been received.

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The retiree's current uniform badge, flat badge and, upon approval, service handgun will be provided by the department at no cost to the employee as an employee recognition award with an "Honorably Retired" rocker affixed to the uniform and flat badges.

Badges previously held by the retiring sworn employee will be located by the Personnel Captain. The cost for each previously assigned badge is based on the replacement cost to the Department at the time of request. In those cases where the previously assigned badge(s) was reassigned to another employee, a duplicate badge with the retiree's badge number will be ordered for the retiring sworn employee to purchase. This section does not preclude a sworn employee, upon promotion to a higher classification, from requesting their badge(s) assigned at lower classifications be held by Personnel for future purchase. Requests to hold badges shall be made through the Career Path Sergeant. Badges placed on hold will be retained by the Personnel Division until such time as the employee retires and purchases the badge(s) or releases the hold and the badge(s) returns to general circulation.

### **Professional Staff Employees**

Professional Staff Employees are eligible to retire based on their years of service, age and retirement tier.

When a professional staff member of the Department decides to retire, he/she should:

Contact the County Retirement Office to have a retirement service credit verified and to start the retirement process.

Obtain a retirement date at least 21 days in advance.

Contact his/her immediate supervisor and give at least two weeks' notice, if possible.

Notify the HRSB, Personnel Division giving at least two weeks-notice, if possible.

Arrange with the Departmental Human Resource Officer to turn in I.D. card (and assigned flat badge, if any), any issued equipment (cell phone, iPad, etc...) and sign final papers on the last day worked or a mutually agreeable day.

The Department Human Resource Officer will:

Process the necessary paperwork. If the employee has a flat badge and meets the criteria for retirement, an "Honorably Retired" rocker will be affixed to the flat badge. If the employee has a uniform badge, and meets the criteria for retirement, then the Department will arrange for the employee's badge to be engraved as retired.

Arrange to have a retired I.D. card issued.

### **All Department Employees**

If an employee defers their retirement, they are not eligible to receive a retired badge/I.D. card, CCW endorsement or service handgun.

In addition to the retired badges and/or I.D. cards, the Department will provide the following to retired employees of the Sheriff's Department:

All employees retiring from the Sheriff's Department shall receive a letter of thanks from the Sheriff. The employee's immediate command will be responsible for preparing the letter of thanks. The letter will be forwarded to the Personnel Division for the Sheriff's signature.

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Employees with 10 years or more of service to the Sheriff's Department may be provided with an employee recognition award provided by the Personnel Division.

Employees honorably retiring with 20 years or more of service to this Department are provided the following two options:

Request the Sheriff or designee, present the employee recognition award(s) and/or I.D. cards to him/her in the Sheriff's office and provide a photo opportunity.

Receive his/her employee recognition awards directly from the Human Resource Services Bureau with a ceremony. (11-10-22)

### 3.43 FAIR LABOR STANDARDS ACT (FLSA) WORK RULES

In order to effectively control the time worked for purposes of overtime compensation, the following work rules will be followed for and by those employees covered by the Fair Labor Standards Act:

- No employee may start work before the appointed time; nor work through unpaid lunch; nor work past the appointed time without prior written approval by a supervisor. No employee may eat lunch at their desk while continuing to conduct business or to alter their regularly scheduled workday.
- No employee should be at his/her work station before their appointed starting time, or during lunch, or past the appointed quitting time.
- No employee may volunteer with the Department in the same or similar capacity as their current position (i.e. Community Service Officer volunteering with Search and Rescue.)
- Employees must be compensated for training, including registration costs, if the training is directly related to the employee's job and/or the employee is directed to return to work and brief other employees regarding the training subject.

Any questions regarding which employees fall under the FLSA or other FLSA related questions shall be directed to the Department Employee Relations Manager. (04-24-08) (Reviewed 1-26-2011)

### 3.44 PEER SUPPORT UNIT

The Peer Support Unit is directly supervised by the Wellness Unit. The Human Resource-Services Bureau Assistant Sheriff will designate who is responsible for the administration of the Peer Support Unit. The designee shall coordinate the administration of the program, selection of the personnel and their training, budgetary requirements for the unit and be the liaison between the Wellness Unit, the Counseling Team and the Peer Support members. The designee may appoint a Peer Support Unit Coordinator from within the department and/or from an outside entity to assist in these administrative duties.

The San Diego Sheriff's Department recognizes confidential information as the dialogue between members of the Peer Support Unit, when acting in this official capacity, with those individuals involved. All members of the Peer Support Unit sign a non-disclosure agreement (NDA) and must abide by its rules of confidentiality.

**Exceptions to confidentiality include the following:**

- An employee of the department and/or a family member is an imminent danger to himself/herself or others.
- Suspected child abuse

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- Factual elderly abuse
- Narcotics offenses (sales or transportation)
- Domestic Violence
- Any crime has been committed.

The Peer Support Unit will assist department personnel and their family members by providing emotional and other support services and with the provision of liaison services to other supportive agencies, including The Counseling Team.

The primary concern of the unit is for the health and well-being of all employees and their family members by offering emotional and physical support to facilitate the successful resolution of their crisis.

### **Officer Involved Shooting and Traumatic Incidents**

- The Communication Center shall contact the designated Peer Support Unit Coordinator and/or the Counseling Team concerning all officer involved shootings and traumatic incidents.
- Departmental supervisors should contact the designated Peer Support Unit Coordinator, the Wellness Unit and/or The Counseling Team when they learn of a department member who is experiencing a crisis.
- Upon these notifications, the designated Peer Support Unit Coordinator and/or The Counseling Team member will determine what resources are needed and what course of action to take in dealing with the employees and/or family members involved.
- Call-out of Peer Support Unit members may be subject to overtime compensation when off-duty. Calls for Peer Support Unit members while on duty are at the discretion of the member's command and require permission to leave one's assigned duty by the Peer Support Unit member's immediate supervisor.

Peer Support Unit members will monitor and assist the employee(s) in matters affecting their health and/or emotional health. The Peer Support Unit member shall maintain contact at least monthly with the employee through the first anniversary of the incident. Additionally, they will liaison with the Wellness Unit on the needs of resources and guidance as to when an employee is ready to come back to work after being on leave after a traumatic incident.

Peer Support Unit members will only be utilized in providing assistance to departmental employees and/or their immediate family members. At no time should a Peer Support Unit member be involved in the investigative process or come into conflict with the investigative process.

#### **Utilization of the Peer Support Unit**

Utilization of the Peer Support Unit Departmental personnel and supervisors are encouraged to contact the Peer Support Unit Coordinator, any Peer Support Unit member, the Wellness Unit, the Chaplain Unit and/or The Counseling Team concerning matters that may be affecting overall job performance of the employee's personal well-being. (04-18-2024)

### **3.45 BILINGUAL PREMIUM**

Upon assignment to a position that has been determined to use bilingual skills, a qualified employee may be authorized to receive bilingual premium. The employee must be in a position with public contact where there is an expectation that there will be contact with individuals who require translation in the employee's language of proficiency. The employee shall have passed their initial probationary period, unless adequate justification is provided by the command to waive this requirement.

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Department employees may test for bilingual proficiency by contacting Sheriff's Personnel Division at (858) 974-2001.

Upon certification, and notification of the employee's command, the Department's Bilingual Coordinator will process the appropriate notification to Payroll to begin compensation of the bilingual premium. Employees approved for bilingual premium shall receive fiscal compensation on a biweekly basis in addition to their regular rate of pay according to their Memorandum of Agreement for the current contract period.

If an individual command has demonstrable need for bilingual positions in languages not already approved, that command should forward their request and justification to the Undersheriff for consideration. Upon his approval, the Personnel Division is authorized to pay those individuals having passed the bilingual exam for their interpretive services.

Upon transfer to a position not requiring bilingual skills, the bilingual premium will be deleted from the employee's biweekly pay.(07-13-98) (Reviewed 4-8-2011)

### 3.46 PAYROLL PROCEDURES

Procedures for payroll entries, approvals and/or corrections, warrant distribution procedures, leave procedures and overtime procedures can be found in the Sheriff's Payroll Policy and Procedure Manual and/or the appropriate Memoranda of Agreement. (03-21-12)

### 3.47 DISCRIMINATION AND SEXUAL HARASSMENT

Title VII of the U. S. Civil Rights Act of 1964 and Section 12940(h) of the California Government Code (Fair Employment and Housing Act) prohibit discrimination and sexual harassment. Discrimination and sexual harassment, whether verbal, physical, or environmental, is illegal, unacceptable and will not be tolerated within the San Diego County Sheriff's Department. This policy applies to all phases of pre-employment and employment.

#### Discrimination Definition

Discrimination is defined as unequal treatment of employees or applicants for employment (without adequate justification) because of their race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, sexual orientation, political beliefs or other non-merit factors.

#### Sexual Harassment Definition

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, constitutes sexual harassment when:

- Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or,
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

➤ **Note: Sexually harassing conduct need not be motivated by sexual desire.**

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### Prohibited Discrimination and Sexual Harassment Behaviors Include

- Verbal Harassment

Repeated, unsolicited, derogatory comments, epithets, slurs, jokes, rumors or continued requests for social or sexual contact after being advised such behavior is unwelcome.

Generalized sexist statements and behavior not necessarily designed to elicit sexual cooperation but to convey insulting, degrading and/or sexist attitudes.

- Written Harassment

Sexually suggestive or obscene letters, notes, or invitations.

- Physical Harassment

Unwanted touching, physical interference or contact which impedes normal work movement when directed at an individual.

- Visual Harassment

Derogatory and/or sexually oriented pictures, posters, cartoons, or drawings, staring and/or leering.

- Sexual Favors

Sexual advances which condition an employment benefit in exchange for sexual favors, or which may be perceived as such. Usually known as "quid pro quo" or "this for that" involving a person in a position of power over another.

### **Employee Rights**

Department employees are assured the following rights:

- The right to a work environment free from discrimination and sexual harassment.
- The right to a full, impartial, and prompt investigation by management or a designee of a complaint regarding discrimination and/or sexual harassment.
- The right to a timely decision on a complaint after the full investigation has been completed.
- The right to file a complaint of discrimination or sexual harassment in employment with the State Department of Fair Employment and Housing and/or Federal Equal Opportunity Commission without seeking resolution through the Department.
- The right to file a complaint or be a witness to a complaint without fear of employer or employee retaliation.
- The right to confidentiality to the extent allowable in the normal scope of conducting an investigation.

### Employee's Role and Responsibility

There is no intent by this Department to regulate or control any personal, private relationships or social interactions of employees which are freely entered into by both parties.

It is this Department's expectation that employees will set an example of acceptable conduct by not participating in or condoning behavior that is offensive.

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The following are suggestions for all employees to help establish and maintain a professional and healthy working environment, while at the same time preventing discrimination and sexual harassment from occurring:

- Make it absolutely clear that you are not interested in or flattered by uninvited, unwelcome discriminatory behavior, sexual advances or other inappropriate behavior.
- When appropriate, warn the harasser that the particular behavior is offensive and unwelcome. Be specific in advising the harasser about what conduct is offensive and unwelcome. Make it clear that you will take official action if the behavior continues. If you foresee a problem, document the incident.
- If the harassing behavior continues, notify your immediate supervisor or any supervisor, up to and including the Sheriff's Office, and document the notification. It is the employee's responsibility to bring discrimination and sexual harassment behavior to the attention of a supervisor to ensure proper follow-up action.

NOTE: You are not required to follow the chain of command when notifying the department of discrimination or sexual harassment behavior.

This Department prohibits any retaliation against the complaining party or witnesses supporting that individual.

Appropriate disciplinary action will be taken against all individuals found to have subjected any party involved in this process to retaliation.

### **Supervisor's Role and Responsibility**

- It is the responsibility of all supervisors to establish and maintain a working environment which is free from discriminatory intimidation, ridicule, and insult.
- Individual supervisors are responsible to report and/or effectively resolve all known discrimination and/or sexual harassment incidents.
- Any supervisor who is informed or becomes aware of a suspected discrimination and/or sexual harassment incident shall take prompt corrective action.
- It is the supervisor's obligation to document all incidents, and action taken thereafter, involving allegations of discrimination and sexual harassment. Whether the complaining party requests formal or informal action, the supervisor must follow through, either by the formal complaint process or by admonishing the harasser and documenting the incident.

### **Complaint Procedure**

- It is the responsibility of all Sheriff's supervisors and managers to investigate and resolve any incidents or complaints of discrimination and/or sexual harassment. Whenever possible, complainants should first be directed to the employee's immediate supervisor. If circumstances dictate other action, employees may go to ANY supervisor to report the complaint.

Alternative methods of reporting are available to employees through the following agencies:

Employee Relations Division  
9621 Ridgehaven Court  
San Diego, CA 92123  
(858) 974-2264

San Diego Sheriff's Department Internal Affairs Unit  
9621 Ridgehaven Court

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San Diego, CA 92123  
(858) 974-2065

San Diego County Office of Ethics and Compliance (OEC)  
1600 Pacific Highway,  
Room 260  
San Diego, CA 92101  
(619) 531-5588

California State Department of Fair Employment and Housing (DFEH)  
1-800-884-1684

Federal Equal Employment Opportunity Commission (EEOC)  
555 West Beech Street Suite #504  
San Diego, CA 92101  
(619) 557-7274

- Supervisors receiving the complaint shall carefully and objectively listen to and evaluate the complaint. Supervisors will promptly and clearly inform the employee of his or her rights and how to protect them.

The supervisor shall conduct an investigation to determine whether or not wrongful conduct has been committed and take appropriate action. The investigation should include talking with the accused harasser and any witnesses.

If a formal complaint is requested, the employee and/or supervisor will fill out a citizen's complaint form and forward it to the Internal Affairs Unit for follow-up and investigation.

If a formal complaint is not requested but, in the supervisor's opinion, is warranted, the same procedures apply.

If it is requested and warranted for the complaint to be handled on an informal basis, the supervisor should exercise discretion in effectively resolving the situation. The supervisor shall document the incident and all follow-up actions. The documentation shall be kept in the counseled employee's station performance file in accordance with Policy and Procedure Sections 3.3 and 3.20.

In any event, the supervisor will take action to stop the harassment and prevent any future incidents or retaliation against the complainant.

All situations which may involve discipline will be handled in accordance with the Peace Officer's Bill of Rights (Government Code 3300-3311) and Department Policy (Section 3.3 and 3.20). During the course of the investigation, the Department may temporarily or permanently reassign an involved subject(s) pending completion of a complaint.

### **Additional Assistance/resources**

Supervisors and employees who are unsure how to proceed with a complaint or situation of this type may contact the Sheriff's Employee Relations Manager for additional information and guidance. (06-06-14)

### **3.48 VOLUNTEER CHAPLAIN PROGRAM**

- The Sheriff shall appoint a Senior Chaplain, who shall be responsible for recruiting chaplains to serve at each patrol station, and other areas as needed, in the County. At-large chaplains shall also be recruited to provide special services on a Department-wide basis. The chaplains shall be selected to represent the major religious groups.
- The chaplains should meet the following qualifications:

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Hold a college and seminary degree that includes courses in theology and counseling;

Have practical experience of several years in a community church or full-time service in a religious or charitable institution;

Have experience in community involvement, with sensitivity to its needs;

Have a sincere interest in law enforcement and concern for law enforcement employees; and,

Be able to pass a security clearance.

- The chaplains shall be sworn in by the Sheriff and shall be issued an identification card, a badge, and other items as needed to facilitate their services where requested or needed.

- The chaplains' duties will include the following:

Offer invocations, benedictions, prayers, homilies, etc., where appropriate for official ceremonies, dedications, graduations, etc.;

Alert the Sheriff's Department to community concerns and interests, and provide input as requested;

Visit assigned stations, attend briefings, and go on ride-alongs to establish a personal relationship with the deputies and staff;

Offer services to families, such as weddings, funerals, religious events and ceremonies; Provide counseling and comfort to deputies and their families, and other Department employees in times of illness, trauma, and other such conditions; and,

Respond to emergency calls and assist in crisis intervention.

- The chaplains may ride along on a regular basis, in their assigned area, with approval from the station commander or his/her designee.
- Any sworn officer or other Department employee may contact a chaplain for services with the assurance that communications shall be considered privileged and confidential.
- The Volunteer Chaplain Program shall report to the Assistant Sheriff, Human Resource Services Bureau. A staff members from that bureau shall be assigned to coordinate the activities of the Volunteer Chaplain Program in conjunction with the Senior Chaplain. These activities shall include:  
Scheduling meeting rooms and preparing meeting agendas;

Processing Department-approved purchases and training requests; and,

Maintaining and distributing current membership rosters and meeting debriefings.

- The chaplains under this program are not available to jail inmates or to any other county or community entities.
- The chaplains may only respond to a citizen in need when specifically requested to do so by a sworn officer.
- The chaplains shall offer their expertise only for the benefit of the Sheriff's Department and not for the purpose of proselytizing.
- The chaplains are not intended to replace any individual's personal choice of clergy, counselor, or officiant.  
(04-01-98) (Reviewed 4-8-2011)

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**3.49 EMPLOYEE RECOGNITION PROGRAM**

**Eligible Employees**

All permanent full-time Sheriff's Department employees who are not represented by the Deputy Sheriffs' Association are eligible to participate in this program.

**Employee Recognition Program (ERP) Committee**

Membership:

Chairperson: Human Resource Services Bureau Analyst.

Members:

- One professional staff member from Detention Services Bureau
- One professional staff member from Law Enforcement Services Bureau
- One professional staff member from Court Services Bureau
- One professional staff member from Management Services Bureau
- One professional staff member from Human Resource Services Bureau
- One professional staff member from the Office of the Sheriff

Representatives will be appointed and serve at the discretion of the Assistant Sheriff/ Executive Director or Undersheriff.

Responsibility:

- Ensuring nominations meet the criteria for the award.
- Ensuring this policy is applied consistently with respect to the nomination of employees and the behavior or activity that is being rewarded.
- Making recommendations to the Assistant Sheriff, Human Resource Services Bureau for final approval.
- Modifying award amounts based on unique and individual circumstances.
- Determining the award limits, for cash awards and employee recognition leave for each type of award, at the beginning of each fiscal year.

**Categories for Awards**

**Report of Exemplary Performance**

Criteria: A Report of Exemplary Performance shall be awarded to Department members for service worthy of recognition, but to a lesser degree than required for other awards. Exemplary Performance may be defined as an employee who takes on tasks above his or her normal job duties and completes a time-sensitive project before deadline.

Nominator: Supervisory personnel

Note: This award is identical to the Report of Exemplary Performance found in Policy and Procedure 3.23.

**Thanks Award**

Criteria: Nominees for this award have demonstrated job performance that materially contributes to the Department fulfilling its goals and objectives. This may include sustained job performance or completion of a time-sensitive project within established timelines.

Nominator: Supervisory personnel within a Bureau and approved by the Commander or Assistant Sheriff/Executive Director of that bureau.

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Award: One non-cash item selected from the approved list on the nomination form.

This award is to be used by supervisory or management staff to especially thank an employee for a job well done.

The Thanks Award is an informal award that does not require approval from the Employee Recognition Committee. After the nominator completes the Employee Recognition Award form (PAD-4) it is submitted for approval via the Assistant Sheriff/Executive Director of the nominating bureau. It is at the discretion of the nominating Bureau as to how the award will be presented to the employee.

### **Minimal Sick Leave Usage Award**

Criteria: Nominees for this award will have not used more than 20 hours of any type of sick leave in a fiscal year (July 1 through June 30). Employees must be employed with the Sheriff's Department for the entire fiscal year to be eligible for this award. Employees who have been on leave without pay, work furlough, FML or any other unpaid status during the fiscal year will not be eligible for this award. Supervisors shall follow Department and County procedures and policies when approving sick leave.

Nominator: ERP Chairperson shall determine eligibility using appropriate reports from the Payroll Division in August of each year.

Award: \$150.00 cash award. A copy of the Award letter will be sent directly to Payroll for processing.

The awards are submitted to the Assistant Sheriff(s)/Executive Director of the affected bureau for dissemination. The affected bureaus are responsible for presenting the awards to the employees being recognized for their minimal sick leave usage.

### **Peer Recognition Award**

Criteria: To be eligible; the event, activity, behavior, act or incident prompting the nomination is measured by identifiable performance anchors which exceed, or are in addition to the employee's normal duties and responsibilities. The nomination will clearly convey the significance of the employee's contribution. Nominees for the award will meet one or more of the following criteria which rise above and beyond the employee's normal job expectations:

- High level of productivity;
- Exceptional customer service;
- Extraordinary effort;
- Work on special projects;
- Performance under pressure;
- Initiative;
- Positive Attitude;
- Voluntarily takes on tasks;

Nominator: Any Department employee may nominate another employee and/or team (a form is needed for each employee). Nominations must be approved by the chain of command through their Assistant Sheriff/Executive Director.

Award: Up to \$200.00 cash award and 8 hours of Employee Recognition Leave. In determining the actual award amount, the above most applicable criteria are articulated by the nominator describing the employee's work product and/or performance. If 1-2 of the criteria are met, \$100.00 will be awarded, if 3-5 of the criteria are met, \$150.00 will be awarded, if 6-7 of the criteria met, \$200.00 will be awarded.

### **Employee of the Quarter**

Criteria: Nominees for this award are employees who for the quarter under review have proven to be

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Outstanding Employees. This award allows each of the Bureaus to establish an Employee of the Quarter program, thereby recognizing individual employees for their outstanding performance in their assigned division. Outstanding employee criteria is defined as customer service, being a team player, attendance/punctuality, self-motivation, leadership qualities, most improved, meets standards and possessing the performance based attributes of an above standard employee.

Nominator: Any Division Manager. After completing the Employee Recognition Program Nomination Form (PAD-2) the Employee of the Quarter Award must be approved via the chain of command through the Assistant Sheriff or Executive Director. This award is not forwarded to the Employee Recognition Committee for approval. Once approved by their Assistant Sheriff/Executive Director it is submitted directly to the Employee Recognition Program (ERP) Chairperson for processing.

Award: \$200.00 cash award and 8 hours Employee Recognition Leave.

### **Customer Service Award**

Criteria: Nominees for this award are employees who have provided exceptional customer service, either internal or external, above and beyond normal job expectations and functions. The nomination will clearly convey the significance of the employee's contribution to the organization. To be eligible for this award the recipient will be required to meet one or more of the following criteria:

- Service that exceeds normal expectations of good customer service;
- Effective communication;
- Contributes to a significant increase in productivity;
- Consistently responds promptly to requests;
- Completes projects exceeding expectations within established time frames;
- Provides services exceeding expectations within established time frames;
- Consistently provides accurate and timely information;
- Demonstrates courtesy that is expressed through actions;
- Finds solutions to situations that might otherwise interrupt the performance of excellent service.

Nominator: Any Department employee may nominate another Department employee and/or team. Nomination must be approved by the chain of command through their Assistant Sheriff/Executive Director.

Award: Up to \$200.00 cash award and 8 hours of Employee Recognition Leave. In determining the actual award amount, the above most applicable criteria are articulated by the nominator describing the employee's work product and/or performance. If 1-2 of the criteria are met, \$100.00 will be awarded, if 3-5 of the criteria are met, \$150.00 will be awarded, if 6-9 of the criteria are met, then \$200.00 will be awarded.

### **Outstanding Employee Award**

Criteria: To be eligible; the event activity, behavior, act or incident prompting the nomination is measured by identifiable performance anchors which exceed, or are in addition to the employee's normal duties and responsibilities. The nomination will clearly convey the significance of the employee's contribution. Nominees for the award will meet one or more of the following criteria which rise above and beyond the employee's normal job expectations:

- Demonstration of a high degree of both quality and quantity of work;
- Extraordinary effort;
- Creativity in overcoming obstacles to complete goals;
- Willingly takes on tasks over and above normal job duties;
- Volunteers to take on a major task and sees them through to completion;
- Maintains a high standard of job knowledge and conduct;
- Effective problem solver;
- Efficiently works on complex/controversial issues;
- Maintains high work standards under extreme pressure and within deadlines;

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Produces exceptional outcomes on work within budget resources;  
Innovative;  
Develops new ideas or improves an existing process to save time or money

Nominator: Any Supervisor may nominate a Department employee. Nominations must be approved by the chain of command through their Assistant Sheriff/Executive Director.

Award: Up to \$500.00 cash award and 16 hours Employee Recognition Leave. In determining the actual award amount, the above most applicable criteria are articulated by the nominator describing the employee's work product and/or performance. If 1-4 of the criteria are met, \$200.00 will be awarded, if 5-8 of the criteria are met, \$350.00 will be awarded, if 9-12 of the criteria are met, \$500.00 will be awarded.

### **Extraordinary Achievement Award**

Criteria: Nominees for this award have demonstrated sustained outstanding job performance that materially contributes to the Department fulfilling its objectives; by demonstrating a high degree of integrity, possessing the type of leadership skills, qualities and characteristics others choose to emulate. The employee sets the standard for excellence by consistently exceeding general expectations of good leadership, finds a problem with a project or process and takes the initiative to correct it, identifies improvement areas and solutions, work product is above and beyond standard job expectations and requirements; is accomplished with perseverance and dedication to duties; and exemplifies the Sheriff's Department Mission, Vision, Values and Goals.

Criteria: To be eligible, nominees must be a department member for a minimum of 10 years consecutively. The employee must have demonstrated long-term, outstanding job performance which exceed, or are in addition to the employee's normal job expectations. The nomination will clearly convey the significance of the employee's contribution. Nominees for the award will meet the following criteria which rise above and beyond the employee's normal duties:

Materially contributes to the dept fulfilling its objectives;  
Demonstrates leadership through exceeding normal expectations of a good leader;  
Finds a problem with a project or process and takes the initiative to correct it;  
Identifies improvement areas and solutions;  
Perseveres and is dedicated to duties;  
Exemplifies the Sheriff's Department Mission, Vision, Values and Goals

Nominator: Supervisory/Management personnel. Nomination must be approved by the chain of command, through their Assistant Sheriff/Executive Director.

Award: Up to \$1000.00 cash award and 24 hours Employee Recognition Leave. In determining the actual award amount, the above most applicable criteria are articulated by the nominator describing the employee's work product and/or performance. If 1-2 of the criteria are met, \$500.00 will be awarded, if 3-4 of the criteria are met, \$750.00 will be awarded, if 5-6 of the criteria are met, \$1000.00 will be awarded.

### **Procedures For Award Recognition**

Recommendation for a Thanks award may be initiated by completing the Employee Recognition Award form (PAD-4); no formal write-up is required for this award. The nomination will be submitted via the chain of command for approval and presented to the employee at the discretion of the nominating Bureau. The employee will submit the form to the ERP Chairperson to claim their award. Recommendations for all other awards may be initiated by completing the Employee Recognition Program Recommendation Nomination Form (PAD-2). The nomination shall be accompanied by a detailed account of the activity, behavior, act or incident, including any supporting documentation. The recommendation shall be forwarded via the chain of command and signed by the nominating Bureau's Assistant Sheriff/Executive Director. All of the award recommendations with the exception of the Employee of the Quarter Award get sent to the ERP Chairperson for processing. Nomination forms can be found on the Sheriff's Intranet, under Forms, Employee Recognition Awards.

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### **Employee Recognition Committee Actions**

The committee shall meet on a monthly basis to review, evaluate and when necessary reclassify recommendations for awards prior to approving them. It shall be the responsibility of this committee to ensure the established criteria have been met for each award approved and to inform the nominator of the committee's decision.

### **Notification to Awardees**

For the Thanks Award; the award is presented by the nominating Bureau.

For the Employee of the Quarter, Customer Service Award and Peer Recognition Award the ERP Chairperson will generate two award letters for each recipient (one for the cash award, the other for the Employee Recognition Leave) as well as an award certificate to be signed by the Sheriff. The award letters and certificate will be sent to the Bureau in which the recipient is a member for distribution by that Bureau. A copy of the cash award letter will be forwarded to payroll by the ERP Chairperson for processing.

For the Outstanding Employee Award and Extraordinary Achievement Award the same two award letters are generated and sent to the Bureau in which the recipient is a member, a copy of the cash award letter goes to payroll for processing and a copy of the approved PAD-2 form will be sent to the Human Resource Services Bureau as notification that they should generate the certificate and schedule the recipient for the departmental awards ceremony.

### **Presentation of Awards**

For the Minimal Sick Leave Usage Award, Peer Recognition Award, Customer Service Award, and Employee of the Quarter Award, it shall be the responsibility of the Assistant Sheriff/Executive Director of the affected Bureau to present the awards in a timely and ceremonious manner.

For the Extraordinary Achievement Award and Outstanding Employee Award, it shall be the responsibility of the Human Resource Services Bureau to schedule the presentation of the awards at the departmental awards ceremony.

### **Value of Awards**

The value of the awards will be in compliance with County of San Diego Compensation Ordinance, Section 5.11.4. No employee shall receive more than 24 hours of Employee Recognition Leave, or more than \$1,000 (cash or non-cash) award per fiscal year. Recognition Leave must be used in the full increment in which it was awarded. The time must be used within one year from the date at which it was awarded, at a time mutually agreeable to the employee and the supervisor and/or manager. The cash value of Employee Recognition Leave and any plaques or certificates commemorating the award up to a maximum value of twenty dollars (\$20) shall not be included in the calculation of the maximum amount of the awards.

### **Funding of Awards**

The Department shall establish funding to ensure equitable distribution of awards throughout the Department.  
(09/29/22)

**3.50 Sick Leave**

Definitions:

Sick Leave is a paid leave earned and granted to an eligible employee for absences from work due to medical or dental reasons relating to themselves or their immediate family.

"Immediate family", for sick leave purposes, includes husband, wife, domestic partner, child, stepchild, grandchild, brother, stepbrother, sister, stepsister, parent, guardian, stepparent, foster parent or grandparent or any person serving as a parent, or who has served as a parent, or any other person living in the same household as the employee.

Medical or dental reasons are described as:

Personal illness or injury or an immediate family member's illness or injury, for emergency or routine medical or dental appointments, and for reasonable travel time to and from health care facilities.

- Responsibility to take an immediate family member for emergency or routine medical or dental appointments, and for reasonable travel time to and from health care facilities.

Bereavement Leave with the use of Sick Leave

An employee shall be entitled to use two (2) days of sick leave as bereavement leave for the death of an employee's immediate family.

- "Immediate Family" for purposes of bereavement leave, includes husband, wife, domestic partner, child, stepchild, grandchild, brother, stepbrother, sister, stepsister, parent, guardian, stepparent, foster parent or grandparent or any person serving as a parent, or who has served as a parent, or any other person living in the same household as the employee.

Requesting Sick Leave

Use of sick leave, other than paid sick leave of up to 50% of the employee's annual sick leave accrual in a calendar year (currently 52 hours for full-time professional staff and 56 hours for sworn staff), is subject to the approval of the appointing authority. The "paid sick leave of up to 50% of the employee's annual sick leave accrual in a calendar year" referred to throughout this section encompasses the total aggregate of all sick leave taken, regardless of whether the sick leave taken is for medical or dental reasons of the employee or that of an immediate family member.

An employee requesting sick leave should not specify the type of illness, but shall state the reason for the request (e.g., leave, intermittent, PDL, CFRA or FMLA leave, personal sick, family sick, work related injury, non-work related injury etc.). If the sick leave is for a family member, the eligible family member should be identified. The conditions required below should be adhered to by the employee. Guidelines should be consistent from facility to facility and station to station. (i.e., what applies in Vista Detention Facility should apply at George Bailey Detention Facility, et al.)

- Requests due to illness: All supervisors are expected to establish and communicate guidelines for employee notification of an absence based on their specific operational needs. These guidelines could include, but are not limited to, requiring the employee to call the on-duty supervisor prior to the beginning of the employee's shift on each workday of absence; utilizing the Communications Center to relay messages to on-duty supervisors in field operations; allowing the use of voice mail in non-24 hour environments. In the case of paid sick leave up to 50% of the employee's

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annual sick leave accrual in a calendar year, and leave under the CFRA or FMLA, an employee is to call the on-duty supervisor. If none are available, then call the Communications Center prior to the beginning of the employee's shift or as soon as practicable under the circumstances. The supervisor may contact the employee during the scheduled shift to verify the legitimacy and length of the absence.

- Requests due to an emergency or accident: When an employee cannot call in because of an emergency or accident that resulted in injury, the employee's supervisor should accept reasonable notification on behalf of the employee. The supervisor shall verify with the employee as soon as possible.
- An employee has the right to use paid sick leave up to 50% of the employee's annual sick leave accrual in a calendar year, for medical appointments for themselves and eligible family members. For all other requests due to scheduled appointments or medical procedures, the employee should make every reasonable attempt to schedule appointments outside of scheduled work hours. When that is not possible, approval to take leave for routine medical and dental appointments shall be requested as far in advance as possible. Employees are encouraged to schedule appointments at the beginning or end of their workday.

### Verification of Health-Related Absence

- Except for the use of paid sick leave up to 50% of the employee's annual sick leave accrual in a calendar year, an employee shall be required to provide verification of the proper use of sick leave if the appointing authority has good cause to require such verification and has so informed the employee prior to or during the employee's absence. The use of paid sick leave up to 50% of the employee's annual sick leave accrual in a calendar year, and PDL, CFRA or FMLA leave shall not be considered in determining if there is good cause.
- For sworn employees who have used fifty-six (56) or more hours of sick leave in a calendar year, each subsequent request for more than five (5) workdays of sick leave shall be accompanied by a physician's verification or other evidence satisfactory to the appointing authority, which demonstrates the employee's incapacity to work or necessity to be absent.
- For professional staff employees who have used fifty-two (52) or more hours of sick leave in a calendar year, each subsequent request for more than five (5) consecutive workdays of sick leave shall be accompanied by a physician's verification or other evidence satisfactory to the appointing authority, which demonstrates the employee's incapacity to work or necessity to be absent.

### Sick Leave Provisions

- In cases of prolonged illness or surgery, an employee need not call in daily if there is an agreement with their supervisor on a date (or estimated date) of return.
- Whenever practical, supervisors are encouraged to obtain a leave slip with the expected date of return signed by the employee.
- An employee returning from extended medical leave, except for paid sick leave up to 50% of the employee's annual sick leave accrual in a calendar year may be required by their supervisor to provide a physician's medical release indicating the employee's fitness to return to work.

### Use of Alternative Leave Balances

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If an employee is ill or injured while on paid vacation, the appointing authority may substitute sick leave in accordance with the employee's Memorandum of Agreement.

On occasion, an employee without a sick leave balance may request vacation or compensatory time off in lieu of sick leave with pre-approval. Such a request shall be made in writing to the appointing authority or designee, which is the Captain or Professional manager equivalent. The Captain or Professional Manager equivalent may grant the request, but is under no obligation to do so. If the use of alternative leave is not approved, the employee will be notified and the absence will be recorded as "leave without pay." The supervisor shall document the incident consistent with the procedure for disapproving sick leave (Resolving Department and Employee Concerns).

### Supervision and Review of Sick Leave Balances

It is the responsibility of all supervisors to monitor and review the sick leave usage of their subordinates. Abuse of sick leave has a severe impact on operations, productivity, and morale. It may result in staff conflict regarding replacement, workload, and shift coverage, and makes scheduling difficult causing delays or missed deadlines on important assignments.

To facilitate the supervisor's review, the timekeeper for the facility/station can provide reports of sick leave usage. The reports shall include individual employee's usage and balances, and unit/division/detail use. Any review of sick leave usages of leave up to 50% of the employee's annual sick leave balance in a calendar year, and PDL, CFRA or FMLA leave, may be used only to verify how many hours or days have been used and that hours or days remain available for use for these purposes.

Other factors to consider in evaluating a potential sick leave use problem include:

- Repetitive uses of sick leave in conjunction with holidays or days off.
- Repetitive uses of sick leave on the same day of the week.
- Use of sick leave for frequently arriving at work late or for leaving early. Consistently low sick leave balances or use of sick leave as quickly as it is earned.
- Low sick leave balance relative to tenure and absent mitigating factors.
- Consistent use of sick leave offset by scheduled overtime.
- A combination of above factors or other demonstrable patterns of usage.

### Resolving Department and Employee Concerns

If a supervisor has cause to suspect an employee is abusing sick leave, the supervisor shall notify their Captain or Professional Manager equivalent they are conducting a review and meet with the employee to resolve the issue. The mere fact that an employee has used paid sick leave of up to 50% of their annual sick leave accrual in a calendar year, as well as time taken under PDL, CFRA and FMLA leave, shall not be considered in determining whether there is cause to suspect an employee is abusing sick leave. This resolution may include:

- Providing the employee with a copy of this policy and clarifying expectations regarding sick leave use.
- Referring the employee to appropriate county and department assistance programs.
- Obtaining agreement from the employee to work within department policies and procedures.
- Findings of sick leave abuse could result in consequences consistent with progressive discipline guidelines.

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- Requiring the employee to submit written verification from a physician for each subsequent sick leave absence unless the leave is paid sick leave up to 50% of the employee's annual sick leave accrual in a calendar year or PDL, CFRA or FMLA leave.

The supervisor taking the action outlined above shall document the steps taken and follow-up within an Established time frame to ensure satisfactory resolution. If an employee continues to exhibit a pattern of alleged abuse, the supervisor shall then pursue progressive discipline.

When a supervisor does not approve an employee's use of sick leave, the supervisor shall document the decision (including the number of days absent, the employee's request, the supervisor's reason for disapproval, and any other information required to support the decision), and place the documentation in the employee's facility or station file. The employee can request a review of the approval decision by their Captain or Professional Manager equivalent. This section shall not apply to paid sick leave up to 50% of the employee's annual sick leave accrual in a calendar year, or PDL, CFRA or FMLA leave, which is not subject to disapproval by the supervisor. If the employee has exceeded 50% of the employee's annual sick leave accrual in a calendar year or exhausted their leave entitlement for PDL, CFRA or FMLA, this section shall be applicable.

### Employee's Right to Appeal

Any dispute that arises concerning the application or interpretation of this policy is reviewable via the employee grievance procedures detailed in the appropriate Memorandums of Agreement. (05-22-19)

### **3.51 HONOR GUARD DETAIL**

All requests for the Honor Guard will be sent to the Law Enforcement Services Area One Commander for evaluation and approval.

Requests for representation outside the County of San Diego will be evaluated on an individual basis and approved through the chain of command by the Undersheriff. (08-05-11)

### **3.52 ANNUAL VACATION SCHEDULING**

Vacation schedules will be initiated, by the individual commands, at the beginning of each calendar year. Schedules shall be approved by the Bureau Commander prior to dissemination. The schedules will be in increments of one-week blocks, (7 calendar days). There is no minimum an individual must sign up for. An individual may sign up for all or any portion of each block of time. If the employee signs up for a portion of a block, such as two days, it will count as an opportunity towards a full block, (sworn 42.5 hours or professional 40 hours). The maximum amount of time an individual may sign up for shall not exceed their vacation hours accrued annually, sworn 85, 127.5, or 170 professional 80, 120, 160 hours.

The schedules will be routed according to sworn Department seniority for sworn staff and straight Department seniority for professional staff. Formal Marshal employees carry their original seniority, as if they have always been employees of the Sheriff's Department. In the event that two employees have the same sworn department seniority, then County seniority will be used as a tiebreaker. Division/Facility/Unit or Classification seniority will only be used in the event additional tiebreakers are necessary. Division/Facility/Unit/Classification date and academy ranking can be used in descending order to break ties. An employee's vacation seniority status is applicable to the normal yearly vacation schedule and must be exercised during the normal scheduling of vacations time frame. Vacation seniority is not applicable after the annual vacation sign-ups are completed.

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Each individual will have a reasonable time to sign up and overall the schedules will be available for a minimum of thirty (30) days. This opportunity for vacation satisfies the responsibility to afford an employee annual vacation. This provision applies only to the scheduling of vacation.

However, the Department is not precluded from establishing that the employee has been provided with an adequate opportunity to take vacation for purposes of vacation buyback. Employees are responsible for ensuring, at the time of vacation sign up, that they sign up for a sufficient amount of vacation time off so as to allow for continued accrual of vacation time.

After the schedules have been routed through all eligible employees, individuals may sign up for additional vacation if vacant blocks exist. This additional sign up will be allowed on a first come first served basis and is contingent on operational needs. Day-to-day requests for vacation will be considered on a case-by-case basis.

Minimum staffing and relief factors must be strong considerations when both; determining the number of available blocks on the schedule and when evaluating the day-to-day requests.

Vacation hours may be substituted with compensatory time, at time of usage. (4-19-06) (Reviewed 4-8-2011)

### **3.53 COMPENSATORY TIME OFF REQUESTS**

Each station and facility will have a scheduling system in place that allows the employee the ability and opportunity to check staffing levels on the date and shift for which they desire to use their compensatory leave balance. Schedules shall:

- Identify the relief factor (i.e. how many per shift may be off on leave).
- Be posted at least 14 days in advance with unused opportunities for leave highlighted.

Request slips may be submitted in advance of the posted schedule. Requests by multiple employees submitting slips simultaneously will be approved based on Department seniority. Employees may appeal denied requests via their chain of command to the level of Captain or Manager.

The opportunities for leave will not be reduced by "frozen" positions, limited duty positions, or TAD assignments. Alternative dates will be offered and documented in the comments sections of the payroll form if a CTF request is denied because a shift is at minimum staffing and the relief factor has been exhausted.

Compensatory time off will be deducted from the appropriate bank (CTO/CTF or CTL/CTT) based on the applicable labor contract. (4-19-06) (Reviewed 4-8-2011)

### **3.54 OVERTIME MANAGEMENT**

Overtime management is an on-going fiscal responsibility. All supervisors are responsible for managing overtime and shall consider or ensure the following:

- Both cash and compensatory time off are considered overtime.
- Facility and station schedules shall be posted at least 14 days in advance and will indicate authorized staffing levels and relief positions.
- All personnel will be scheduled for their 10-hour day at the convenience of the command.
- All overtime worked shall have prior approval of the employee's current command.

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- All payroll entries, including overtime worked at another station/facility, will be entered by personnel at the employee's current command.
- Overtime opportunities will be offered first to facility/station employees and then Bureau employees, before being offered Department-wide. (10-24-05) (Reviewed 4-8-2011)

### 3.56 RETALIATORY CONDUCT BY EMPLOYEES

Federal and state laws against discrimination, harassment or retaliation protect members of this department. Retaliation against an employee for filing a claim, as well as retaliation against an employee who has assisted another in filing a claim is strictly prohibited.

#### DEFINITIONS

**Affirmative Duty:** The personal responsibility and obligation of an employee to immediately report wrongdoing rather than to provide such information only when requested.

**False Report:** A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.

**Good Faith Report:** A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.

**Public Disclosures:** Statements made to the media or information entered in any forum that is available to the public-such as social media websites-that provide information that is critical of this department, its personnel, or both.

**Retaliatory Conduct:** Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the efficiency, safety, or effectiveness of that employee, this department, or both. Such conduct may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation. Retaliatory conduct can also include unwarranted demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for deputies to properly perform their duties, or harassment.

**Serious Acts of Misconduct:** A deliberate act or failure to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action includes suspension, demotion, reassignment, or termination.

#### Duty to Report Misconduct

All employees both sworn and non-sworn have an affirmative duty to immediately report misconduct (See 2.6 P&P). Failure to immediately report misconduct could result in disciplinary action. When reporting serious acts of misconduct, employees do not have to adhere to the chain of command. If the misconduct has implications of illegal activity, corruption or other serious offenses, there are alternative methods of reporting available to employees through the following agencies:

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Employee Relations Division  
9621 Ridgehaven Court  
San Diego, CA 92123  
(858) 974-2019

San Diego Sheriff's Department Internal Affairs Unit  
9621 Ridgehaven Court  
San Diego, CA 92123  
(858) 974-2065

San Diego County Office of Ethics and Compliance (OEC)  
1600 Pacific Highway Room 260  
San Diego, CA 92101  
(619) 531-5588

California State Department of Fair Employment and Housing (DFEH)  
1-800-884-1684

Employees have an affirmative duty to cooperate fully during the course of the investigation of an allegation of employee misconduct.

### **Retaliatory Conduct**

Retaliation against an employee who reports a suspected violation of a law or regulation of another employee is prohibited. Any retaliatory action made by an employee against another employee who made a good faith report of misconduct, will result in disciplinary action. When reporting complaints of retaliatory action, employees do not have to adhere to the chain of command.

### **Public Disclosures and Legal Remedies**

Employees have the right to make public disclosures, so long as they are deemed to be of public concern and in so doing, they are protected by the First Amendment. There are limitations to the protection of speech, so employees should consult with this departments Rules of Conduct policy section.

### **Supervisor's Responsibility**

If a supervisor is made aware of a complaint of retaliatory action, they will either investigate it themselves, or notify the appropriate entity. There may be cases where internal affairs or another unit is conducting the original investigation and would be better suited to investigate the retaliatory action.

It is the supervisor's obligation to document all incidents, and action taken thereafter, involving allegations of retaliation.

Supervisors need to be aware that employees who have been subjected to retaliation may be under stress. If a supervisor believes the employee needs counseling or other services, they should refer the employee to The Counseling Team. (12-31-21)

<b>3.57 MEMORIAL RELEASE TIME</b>
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All efforts shall be made to allow Honor Guard members to be released to attend memorial events. The number of Honor Guards needed for an event is determined on a case by case basis.

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It has been the practice of the San Diego Deputy Sheriff's Association (DSA) to provide funding to a randomly selected, small group of its members each year so that they are able to attend the California and National Law Enforcement Memorials during National Police Week (May).

The San Diego Sheriff's Department intends to support those employees selected by the DSA to attend by encouraging Commands to grant Leave time (vacation or comp).

Those employees selected by the DSA to attend the ceremony are allowed to wear the Sheriff's uniform on the date of the event. (12-07-16)

### **3.59 FRATERNIZATION AND NEPOTISM**

Department employees, and especially supervisors and managers, must avoid situations where a conflict of interest may arise, and/or where a conflict of interest may be perceived.

The Department does not restrict friendships or consensual relationships between co-workers. However, such relationships must not impact the work environment, productivity, or employment decisions. The Department places greater restrictions on supervisors' and managerial employees' relationships with subordinates, for legitimate business reasons, to avoid favoritism, conflicts of interest and potential claims of sexual harassment.

"Immediate family" as used in this policy includes: husband, wife, domestic partner, brother, sister, parent or child whether by blood, marriage, or adoption. The definition also includes those living in the employee's household or former members of the employee's immediate family (e.g., ex-wife, ex-husband, former domestic partner) where the finalization of divorce or termination/dissolution of domestic partnership occurred within the previous two (2) years.

"Close personal/dating relationship" includes: boyfriend, girlfriend, significant other, partner, person the supervisor has dated frequently, persons with whom the supervisor has engaged in romantic, intimate or sexual relations, whether current or past and regardless of gender.

1. Peers and co-workers who engage in consensual close personal/dating relationships or work with immediate family members, shall ensure that the relationship does not impact the work environment, productivity, or employment decisions.

2. Supervisory and management employees shall not participate in or recommend any employment actions, including the appointment, promotion, selection, transfer or discipline of any member of their immediate family, or any person with whom the employee has, or has had a close personal/dating relationship within the last two (2) years. Supervisors and managers are required to recuse themselves from any employment actions or decisions directly affecting a member of their immediate family or persons with whom they have, or have had, a close personal/dating relationship within the last two (2) years. For relationships outside of the two (2) year mandatory recusal period, supervisors and managers participating in or recommending any employment action, including the appointment, promotion, selection, transfer or discipline of an employee with whom the supervisor or manager previously had a close personal/dating relationship, was previously married to, was previously in a domestic partnership with, or with whom they previously lived in the same household, are required to disclose, to their immediate supervisor, the existence of such prior relationship.

3. Supervisory and management employees should not directly supervise any members of their immediate family or any persons with whom the supervisor has, or has had, a close personal/dating relationship.

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Supervisory and management employees shall not engage in any close personal/dating relationship with anyone in their chain of command.

4. Supervisors and management employees are required to self-disclose any relationships (immediate family or close personal/dating relationships) to the Human Resource Services Bureau (HRSB) Commander or their Area Commander/Facility Captain as soon as any situation described in #3 arises or any similar potential conflicts of interest arise. (For example, if Employee A and Employee B are dating as peers, and Employee A is promoted to supervisor, then as a new supervisor Employee A must disclose the relationship if Employee B is in his/her chain of command.) The Department may make a reassignment or schedule change or location change, of either the supervisor or the other employee, to remedy a relationship conflict of interest situation, if it is reasonable and feasible for the Department.

5. Employees with access to confidential personnel information of an employee who is an immediate family member or a person with whom the employee has had a close personal/dating relationship with, must disclose the relationship to the Human Resource Services Bureau Commander in advance, to avoid any improper or inadvertent review of confidential personnel information of the related employee; and they should avoid any review of the related employee's information. Furthermore, employees with access to confidential personnel information must not share with their immediate family or any person with whom the employee has, or has had a close personal/dating relationship with, any confidential personnel information concerning other employees.

6. Questions regarding this policy should be directed to the Human Resource Services Bureau Commander. (10-24-19)

### 3.60 Wellness Unit

The Wellness Unit assists employees and volunteers in need and connects them with available resources. The Wellness Unit is assigned to the Human Resource Services (HRSB) Bureau and supervised by a Captain assigned to the HRSB (Training or Personnel Captain).

The Wellness Unit may coordinate with Peer Support, Internal Affairs, Risk Management, Chaplains, and other resources. Additionally, the Wellness Unit may respond to critical incidents and ensure resources are offered and follow ups are conducted.

All members of the Wellness Unit sign a non-disclosure agreement (NDA) and must abide by its rules of confidentiality. They are also Peer Support Members with the same mandatory training requirements.

Wellness Unit personnel must convey trust, anonymity, and assure confidentiality within policy guidelines.

Notification of Wellness Unit:

The Wellness Unit should be informed by the Communications Center Watch Commander when any of the following incidents occur:

- Any officer involved shooting other than dispatching of an animal
- Collisions involving a Sheriff's vehicle resulting in serious injury or death.
- Any use of force incident involving an employee or volunteer that causes death.
- Any incident where CPR is initiated by an employee or volunteer that ultimately resulted in death.
  
- Work or non-work-related injuries requiring hospitalization to any employee or volunteer.
- Suicide or attempted suicide by any employee or volunteer.
- Anything else not mentioned, but a member of the Department believes an employee could benefit from available resources.

The Wellness Unit hotline number is (619) 779-7399 which is operational 24 hours a day and 7 days a week. If there is a non-urgent issue/incident that needs attention anyone can email the Wellness Unit for resources or follow up at [wellnessunit@sdsheriff.org](mailto:wellnessunit@sdsheriff.org). (04-18-2024)

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### **4.1 DEPARTMENT STANDARDS OF ORGANIZATION**

The Executive Management Team constitutes the formal structure through which organizational components are defined, arranged, and coordinated, based upon direction by the Sheriff.

The organization of the Department is aligned within five major components, providing for the separation of line functions from staff functions. These are designated as Detention Services Bureau, Law Enforcement Services, Human Resource Services, Management Services Bureau, Court Services Bureau, plus the Office of the Sheriff.

Each component is headed by an Assistant Sheriff/Director who reports to the Undersheriff.

The organizational structure of the Department is shown on an organizational chart which is maintained in the Office of the Sheriff and is available to all personnel. This chart is updated by the Human Resource Services Bureau as changes occur. (10-30-98) (Reviewed 4-11-2011)

### **4.2 DEPARTMENT ORGANIZATION**

The Sheriff's Personnel Captain, or designee, shall maintain a written statement of the duties and responsibilities of each job assignment in the Department.

Job assignment descriptions shall be clearly written, appropriately updated and maintained so that they may be reviewed by all Department personnel.

A written statement of the responsibilities of each organizational component of the Department shall be coordinated by the Assistant Sheriff, Human Resource Services Bureau Service, or designee. This statement will be reviewed annually during the budget process and made available to all personnel. (04-01-98) (Reviewed 4-11-2011)

### **4.11 CONTRACT FOR LAW ENFORCEMENT SERVICES**

#### **Contracts Manual**

The Contract Manager shall maintain a Contract Manual for use by station commanders and others involved in contract negotiations and administration. This manual will contain the Department's policies and procedures regarding the Contract for Law Enforcement Services. This manual shall incorporate the current costing methodology and the specific costs of the services provided to contracting agencies. (04-01-98) (Reviewed 4-11-2011)

### **4.12 LINE INSPECTIONS**

Inspections are the function and responsibility of each supervisor and manager and are an integral part of any management system which holds members accountable for their performance.

Line Inspections are defined as: Formal or informal inspections performed by a supervisor or manager who have direct authority and responsibility for the operation of the unit being inspected.

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Formal inspections are documented in writing on the SO-84 Personnel Inspection Checklist and submitted to station/substation or facility commanding officers. The inspection report, includes specific action taken to correct discrepancies and/or provide recommendations for long-range solutions of deficiencies discovered during the inspection.

Formal inspections will be conducted yearly, in October, and will include but are not limited to the following:

- Appearance/Grooming/Required Uniforms (per P&P 3.12)
- Required Safety Equipment
- Weapons
- Vehicle Condition and Required Equipment
- Department Issued Property

All sworn personnel will be inspected to ensure they possess all uniform items required of them per P&P 3.12 and ensure the uniform fits and is in a serviceable condition.

If the uniforms are found to be in non-compliance during this inspection, the inspected person will be required to sign an SO-83 Uniform Re-inspection notice, noting the uniform discrepancies which need to be fixed and an expected due date for compliance. This form will remain on file at the station/substation or facility until the sworn person is able to reconcile the discrepancy. Once compliance is met, the form will be signed off by the supervisor or manager as meeting the uniform requirements.

The Personnel Inspection Checklist (SO-84) and Uniform Re-inspection Notice (SO-83) will be retained by each station or unit for a period of one (1) year after which they will be purged.

Upon completion of the formal inspection, each station/substation or facility commander will notify their respective bureau commander that the formal inspection and any remedial action taken was completed.

Informal inspections are conducted by supervisory and management personnel during routine operations to ensure adherence to Department policy and procedures. Immediate action shall be taken by the inspecting supervisor or manager to correct discrepancies. A written inspection report is not required. (04-21-22)

### **4.16 CRIME ANALYSIS**

#### **Unit Functions**

The Crime Analysis Unit is primarily tasked with, but is not limited to conducting the following functions:

- Collection, collation and analysis of crime data
- Dissemination of analyzed crime information
- Feedback analysis and program evaluation

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- Design and maintenance of the Sheriff's Beat System
- Being a participating member on the Automated Regional Justice Information System (ARJIS) Customer Group and the Crime Analysis Statistical System (CASS) Customer Group
- Development and release of crime analysis products for strategic, operational, and administrative use by the Department
- Working in collaboration with Data Services, ensures Geographic Information System, (GIS) licensing, and resources are available and accessible to meet the Department's needs.
- Provide GIS analysis of crime and activity for Department and emergency operations and in collaboration with outside agencies and initiatives.
- Information and analysis in support of grants, development projects, environmental and other planning related efforts and initiatives by the County and contract planning departments.
- Coordinating and utilizing offender-based analysis methods and products that identify serious and prolific offenders in the context of current crime trends and Department priorities
- Mission-focused collaboration with analysis units at all levels of the criminal justice system

These activities shall be carried out in a manner that will provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by: Identifying and analyzing methods of operation of individual criminals; providing crime pattern recognition; and providing analyses arising from offender and victim data. Information developed through crime analysis shall be utilized in long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### **Specification of Source Documents**

All sources available to this Department that contain data essential to crime analysis shall be identified and accessible for use in the crime analysis process, including but not limited to offense reports, field interview forms, arrest reports, and dispatch data. Law Enforcement Services Bureau shall define what data and sources are essential to achieving the crime analysis mission.

### **Dissemination of Crime Analysis Information**

It is recognized that the effective functioning of a crime analysis system requires that information be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units shall be made available to them; similarly, information relevant to strategic plans of the Department shall be made available to the appropriate staff units.

Crime Analysis information and reports will be disseminated to all necessary personnel and units for which the analysis products are meaningful and informative.

Information that is relevant to crime, calls for service, deputy initiated activity, traffic accidents, arrests, field interviews, and citations shall be provided on a monthly basis. Reports produced to

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assist in determining concentrations of those activities by geographic, temporal and causative factors shall be made available.

### **Distribution of Information Outside of the Department**

In coordination with the Media Relations Office and Legal Affairs, appropriate crime information may be disseminated to enhance public information and generate public support. Distribution may also include other components of the Criminal Justice System. Information concerning operational needs and procedures shall be carefully controlled within Departmental guidelines relating to security and confidentiality.

### **Beat System**

The Crime Analysis Unit shall be responsible for the Departmental beat system, including coordination of compatibility with the following systems:

- SANDAG (San Diego Association of Government) units including, but not limited to, ARJIS (Automated Regional Justice Information System), Criminal Justice Research and Demography
- SanGis (San Diego Geographic Information Source)
- CAD (Computer-aided Dispatch) System

The beat system design is flexible and takes into consideration such factors as:

- Socioeconomic and demographic characteristics
- Geographic features and accessibility
- Command area boundaries and response capabilities
- Census geography
- Data retrieval needs

The Crime Analysis Unit shall be responsible for the maintenance of the Departmental beat system manual, including the following:

- Instructions for use of the system
- Tables
- Metes and bounds descriptions
- Maps
- Revision notices

Requests for changes to the beat system shall be directed to the Crime Analysis Unit Manager. The Unit Manager shall be responsible for coordinating changes with the above systems based on the above needs. Revisions to the beat system manual shall be distributed by the Crime Analysis Unit. (3-2-22)

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### **4.17 FORMS CONTROL**

All requests for new or modified forms will be submitted to the Director, Fiscal Services Command.

The Forms Committee is responsible for the development, modification and approval of all forms used by the Department. The Forms Committee shall:

Establish and maintain a Central Forms Index and File. Each form originating within the Department shall be numbered and labeled for easy reference. All forms utilized by the Department shall be included in this file.

Be responsible for the approval of new forms and the modification of existing forms, conferring individually or in committee with forms users to ensure the usefulness and practicability of such design and modifications.

Review existing forms to:

- Simplify and consolidate forms, eliminate unnecessary forms, and eliminate those of duplicate design.
- Review all forms prior to reprinting and no less than annually in September to ensure their continuing usefulness and appropriateness of design.
- Ensure that all new or modified forms meet county data processing requirements.
- Obtain the approval of the Director, Fiscal Services Command, prior to printing new forms, revising existing forms or discontinuing any form.

Jail forms will be submitted to the Jail Forms Committee for review and sanction and copies will be provided to the Department Forms Committee for final approval. (06-10-98)  
(Reviewed 4-11-2011)

### **4.20 CITIZEN VOLUNTEER PROGRAM**

Each Sheriff's division, station and facility is responsible for identifying its respective volunteer needs including suitable tasks, job descriptions and method for reporting monthly volunteer statistics to the Volunteer Program Coordinator. Each station and facility shall designate a volunteer coordinator to assist with the assignment and supervision of volunteers.

The Emergency Services Division is responsible for the overall supervision of the Department's Volunteer Program. That responsibility shall include: coordination with each Sheriff's command area and maintaining a personnel files for Search and Rescue Volunteers as well as Reserves. Senior Volunteer, Explorer and Citizen Volunteer personnel files are kept at their respective stations. The Personnel Division will process volunteer applications, conduct background/ records checks and issue to each volunteer a Sheriff's Department green identification card. The identification cards will be appropriately numbered and shall indicate no approval for carrying concealed weapons.

Station/facility volunteer coordinators are responsible for training, scheduling, evaluating and reporting volunteer statistics. They are responsible for requesting volunteers and updating

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volunteer job descriptions. At all times, and during training, a statement of purpose for volunteer duties, shall ensure that their duties are limited, restricted and non-enforcement.

The Commander of the Law Enforcement Operations Area 3 is responsible for the overall administration of the Volunteer Program. (02-12-13)

### **4.21 DEPARTMENT CORRESPONDENCE**

#### **Correspondence on Department Letterhead Stationery**

Full blocked style is preferred with all lines beginning at left margin.

It is to be prepared for the operational division commander, lieutenant's or professional staff manager's signature.

All such correspondence shall be reviewed by the appropriate division commander prior to mailing. A copy of the correspondence is to be placed in the appropriate correspondence file after it is reviewed signed.

#### **Department Letterhead Stationery**

Pre-printed Sheriff's letterhead and envelopes will bear the name of the Sheriff and/or the Undersheriff. Names of other personnel and/or facility, station, bureaus, etc., are not authorized. Stationery may not be printed from custom templates that print the Sheriff's heading. To expedite the delivery of time sensitive material, Sheriff's letterhead and envelopes may be ordered with the individual station, facility, or unit return address substituted for the Ridgehaven address.

#### **Department Form Letter**

Only authorized Department form letters will be used.

Form letters shall be prepared for the signature of the operational division commander, lieutenant, professional staff managers or authorized person(s).

A signed copy is to be placed in the appropriate correspondence file.

#### **Inter-Departmental Correspondence**

Will be prepared for the signature of the operational division commander, lieutenant, professional staff manager or designated authorized person(s).

A copy is to be placed in the appropriate correspondence file after it is signed.

#### **Inter-Office Correspondence**

This may be originated at any level within an operation and signed by appropriate staff. It does not require review if distributed within the division. A copy may be kept by the originator. (09-24-04) (Reviewed 4-11-2011)

**4.23 DEPARTMENT  
COMMITTEES AND  
REVIEW BOARDS**

**Definitions**

- Committee: A committee is a group of people delegated to perform a particular task or on-going function.

Standing Committee: A committee that has on-going responsibilities and functions.

Ad Hoc Committee: A committee formed for a specific purpose, case, or situation.

- Review Board: A review board is an organized body of investigators who review specific incidents and report their findings to a higher authority.

**Responsibility**

Each committee/review board shall have an assigned task and scope of responsibility.

**Membership**

Each committee/review board shall have a defined membership and a chairperson appointed by the Sheriff or Undersheriff. When indicated, a committee or review board may add other Department staff to its membership. A committee chair may select temporary committee members to establish membership rules for the formation of the committee.

**Decision Making Authority**

- Each committee shall have a reviewing officer with final decision-making authority.
- Each review board shall report its findings to the Office of the Sheriff, which shall have final decision-making authority.

**Record of Proceedings**

- Each committee chairperson shall keep a record of their proceedings on file.
- Reports generated by review boards shall be kept on file in the Office of the Sheriff, Legal Affairs.

The Committees and Review Boards of the Sheriff's Department are as follows:

**Uniform and Safety Equipment Committee**

Responsibility:

Consider any changes in the uniform, dress standards, safety equipment and personal equipment worn or used by Department personnel and making recommendations to the Sheriff relative thereto.

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Maintaining and publishing, semiannually, a roster of authorized uniform dealers and their addresses and publishing, without delay, the names and addresses of any dealers added to or deleted from the list.

Supplying authorized dealers with copies of the Department's uniform, safety and personal equipment specifications and Department directives pertaining to the same.

Originating and maintaining correspondence concerning uniform, safety and personal equipment matters.

Membership:

Chairperson - Assistant Sheriff, Human Resource Services Bureau, or designee.

Commander, Law Enforcement Support Command, or designee.

Three (3) members from the Law Enforcement Services Bureau, one of the rank of Captain or above, one Sergeant, and one Deputy Sheriff.

Three (3) members from the Court Services Bureau, one of the rank of Captain or above, one Sergeant, and one Deputy Sheriff or Detention/Courts Deputy Sheriff;

Three (3) members from the Detentions Services Bureau, one of the rank of Captain or above, one Sergeant-Detentions, and one Deputy Sheriff Detentions/Courts.

One Community Service Officer.

One (1) representative from the Deputy Sheriff's Association; and,

Others as approved by the chairperson.

Reviewing Officer:

The Undersheriff is the reviewing officer on all matters within the jurisdiction of the Uniform and Safety Equipment Committee.

### **Strategic Planning Committee**

Responsibility:

The Office of the Sheriff's Strategic Planning Manager shall be responsible for advising the Sheriff and Undersheriff on all matters of major Department concern; including:

Charting the Department's future strategy.

Reviewing and revising priorities and goals of the Department.

Directing a management planning system to devise long-range plans to enhance Department effectiveness.

Establishing task forces on an ad-hoc basis to formulate specific long-range plans.

Assigning Department command staff as task force leaders.

Membership:



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Strategic Planning Manager/Senior Policy Advisor

Others as approved by the Strategic Planning Manager  
Reviewing Officer:

The Undersheriff is the reviewing officer on all matters within the jurisdiction of the Long-Range Strategic Planning Ad-Hoc Committee.

### **Critical Incident Review Board (CIRB)**

Responsibility:

The purpose of this board is to consult with department legal counsel when an incident occurs which may give rise to litigation. The focus of the CIRB will be to assess the department's civil exposure because of a given incident. The CIRB will carefully review those incidents from multiple perspectives, including training, tactics, policies, and procedures with the goal of identifying problem areas and recommending remedial actions so that potential liability can be avoided in the future.

The Lieutenant of the Division of Inspectional Services (DIS) shall ensure that a copy of all related reports, as well as audio and video recordings are placed in a shared drive for CIRB board members within 30 days of the completion of an investigation, and no later than seven (7) days prior to the date of the Critical Incident Review Board convening.

Membership:

The Critical Incident Review Board shall consist of voting and non-voting members.

Voting members:

- A Commander from Law Enforcement or another designated commander
- A Commander from Court Services or another designated commander
- A Commander from Detention Services or another designated commander

Non-voting members:

- The Director of Legal Affairs, or another designated legal advisor
- Commander from Human Resources, who shall serve as the chair of the meetings

The following people will attend a Pre-CIRB: the Director of Legal Affairs, the HRSB Commander, the three (3) commanders representing each bureau, the DIS Lieutenant, and the applicable DIS Sergeants for the cases being presented.

The following people will attend a CIRB: the attendees of a Pre-CIRB, plus a representative from the Facility or Unit Commander from the employee's chain of command, Weapons Training Unit, In-Service Training Unit and Detention Training Unit.

Other representatives may be requested to attend a CIRB at the discretion of the chair.

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**The Critical Incident Review Board shall convene as follows:**

Preliminary Critical Incident Review Board (Pre-CIRB)

Within one month (30 days) of the occurrence of a critical incident for a preliminary assessment.

Final Critical Incident Review Board (Final CIRB):

Within sixty (60) days of a District Attorney's review letter involving a critical incident; and within thirty (30) days of the completion of the investigation of a critical incident.

When requested by the Sheriff, Undersheriff, Assistant Sheriff, or a board member.

**The following incidents are deemed critical incidents and shall be reviewed by the CIRB:**

In custody death;  
Use of deadly force by a department employee;  
Pursuits resulting in any injury requiring hospital admittance or major property damage;  
Death or serious injury resulting from action of a member of this Department;

Note: Serious injury means a serious impairment of physical condition, including but not limited to: 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.

Law Enforcement related injuries requiring hospital admittance;  
Discharge of a firearm by sworn personnel;  
Any other incident involving the discharge of a firearm, major property damage, or major vehicle damage by a member of this Department or other critical incident which, in the judgment of the Sheriff, Undersheriff, Assistant Sheriff, or board member warrants review.

Presentation:

Pre-CIRB

At the beginning of the Pre-CIRB the DIS Sergeants will present facts and circumstances to the members of the CIRB.

Final CIRB

At the beginning of the CIRB, the investigators involved in the investigation of the critical incident will present facts and circumstances to the members of the CIRB.

At the conclusion of the presentation each board member will have an opportunity to question the investigator regarding the specific facts and circumstances surrounding the critical incident.

Additional Investigation:

If after a presentation, additional investigation is determined to be necessary, the CIRB will continue the proceedings and return the case to the DIS Lieutenant for further follow up. The Division of Inspectional Services is responsible for working with the investigators involved in the case to ensure that all follow up investigations are completed appropriately and timely.

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The matter shall be reset for hearing before the CIRB within 30 days of being returned for follow up.

### **Policy Violations:**

After hearing from all necessary parties, the three voting Commanders will vote to make a determination as to whether or not a policy violation may exist.

If a majority of the voting members determine that a policy violation may have occurred, the case will be forwarded to Internal Affairs, assigned an Internal Affairs case number and investigated. After the case is investigated by Internal Affairs, the case will be forwarded to the command for review consistent with the Department's policies and procedures.

If, during the Critical Incident Review Board, the majority of the voting members determine that no policy violations have occurred, the CIRB case will be forwarded to the DIS Lieutenant for the generation of a report, consistent with the Board's findings, at the conclusion of the CIRB.

### **Training:**

The CIRB is also tasked with making recommendations for training based upon the analysis of critical incidents. If the Board identifies significant training issues, the Board will direct those issues to the Training Lieutenant. The Training Lieutenant will be required to prepare a written report to the DIS Lieutenant within thirty (30) days outlining the actions taken based upon the Board's direction.

### **Policies:**

If the CIRB identifies policy issues of concern while reviewing a critical incident, the Board will direct its concerns to the Standards and Compliance Manager of the Division of Inspectional Services. The Standards and Compliance Manager will ensure that the proposed policy recommendations are prepared and present them for approval to SOPC within thirty (30) days of the CIRB.

### **Distribution of Reports:**

Within seven (7) days of the CIRB, the Facility or Unit Commander, from the employee's chain of command, will meet with the employee and provide them with any feedback generated as a result of the CIRB presentation.

Within forty-five (45) days of a Pre-CIRB or Final CIRB, the DIS Lieutenant will prepare a report summarizing the actions and conclusions of the board. The CIRB report shall contain specific findings regarding whether the review board found any policy violations, and training or policy issues, as well as what actions were taken by the department. A copy of the CIRB Confidential Report and other related reports shall be filed in the Legal Affairs Section, Office of the Sheriff.

Within forty-five (45) days of a Pre-CIRB or Final CIRB, the DIS will prepare a public report detailing the facts reviewed by the CIRB Board at a CIRB meeting. The public report will be posted on the Sheriff's internet website.

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### **Awards and Recognition Board**

Responsibility:

The Awards and Recognition Board shall make determinations regarding the appropriateness of all Departmental awards, with the exception of the Report of Exemplary Performance. (Related section 3.23)

Membership:

Chairperson: Commander, Human Resource Services Bureau

Commander, Law Enforcement Services Bureau

Commander, Detention Services Bureau

Commander, Court Services Bureau

Public Information Officer, Public Affairs

Representative, Management Services Bureau

Representative, Deputy Sheriff's Association

Other Departmental personnel may participate on this board at the request of the chairperson.

Reviewing Officer:

The Undersheriff is the reviewing officer on all matters within the purview of the Awards and Recognition Board.

### **Employee Recognition Committee**

Responsibility:

The Employee Recognition Committee shall ensure nominations meet the criteria and determine the award limits for cash awards and leave awards at the beginning of each fiscal year. (Related section 3.49)

Membership:

Chairperson: To be elected by members of the committee.

Membership consists of one professional staff member from the following:

Detention Services Bureau

Law Enforcement Services Bureau

Court Services Bureau

Management Services Bureau

Human Resource Services Bureau

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Office of the Sheriff

Public Affairs

Reviewing Officer:

The Assistant Sheriff of the Human Resource Services Bureau is the reviewing officer for all matters within the purview of the Employee Recognition Committee.

Management Services Bureau

Human Resource Services Bureau

Office of the Sheriff

Public Affairs

Reviewing Officer:

The Assistant Sheriff of the Human Resource Services Bureau is the reviewing officer for all matters within the purview of the Employee Recognition Committee.

### **Information Technology Policies and Priorities Committee**

Responsibility:

The Information Technology Policies and Priorities Committee (ITPPC) is the review body for the proposal and institution of information technology related policies, procedures, and project priorities. Additionally, the committee:

- Evaluates the IT strategies and initiatives
- Scrutinizes the scope and priorities of projects
- Visualizes the importance of short- and long-term IT objectives
- Balances automated business process needs against fiscal constraints
- Factors in architectural and infrastructure related impacts
- Clearly identifies staffing requirements short and long term
- Makes informed recommendations to the Executive Management Team (EMT)
- Reviews and recommends IT policies, procedures, and priorities for EMT adoption and approval

Membership:

The committee is comprised of Commanders from each bureau that are knowledgeable about the importance of information technology and the importance of specific initiatives as they relate to the mission of the Sheriff's Department.

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### Sub-Committee:

The ITPPC shall establish an Information Technology Sub-Committee responsible for reviewing and making recommendations to the ITPPC relative to new projects and/or technologies as they become available.

### Sub-Committee Membership:

The sub-committee will be chaired by a Captain and will have representatives assigned from each bureau as necessary.

### Reviewing Body:

The Executive Management Team shall be the reviewing body for all matters under the purview of this committee.

### **Sheriff's Operational Planning Committee (SOPC)**

The Chairperson shall be responsible for developing the agenda for the SOPC meetings. Recommendations will be presented to the Sheriff and Undersheriff at the weekly standing meeting with the Assistant Sheriffs and the Executive Director by the Chairperson. The responsibility for documenting the activities of the SOPC shall fall to the person serving as the Chairperson. Meetings will be held twice a month.

### Responsibility:

Act as a clearinghouse for the development of department-wide plans relating to the acquisition and deployment of financial resources.

To review and make recommendations to the Sheriff, Undersheriff and Assistant Sheriffs/Executive Director concerning major projects, re-organizations of Department bureaus, and revisions to Department policies and procedures.

To support the development of the Department's five-year financial forecast by reviewing and recommending operational priorities, funding sources and where necessary, program reductions.

To serve as the Department's Unfunded Needs Committee in order to set priorities and allocate funding for one-time and/or short term projects or equipment acquisition with the independent authority to allocate funds for projects up to \$250,000 with the concurrence of the Chief Financial Officer. Recommendations for higher amounts shall be forwarded to the Sheriff, Undersheriff and Assistant Sheriffs/Executive Director.

To serve as the Department's Grants Committee, wherein grant funded programs are reviewed, monitored and usage of grant funds are discussed, prioritized, approved or disapproved as appropriate. The grant programs to be reviewed shall include but not be limited to those related to program enhancement, homeland security, routine equipment acquisition and technology.

To serve as the implementing body for the Sheriff's project and/or program reviews as outlined in the Sheriff's Business Planning System (SBPS). SOPC participants shall nominate projects and/or programs suitable for review from their respective bureaus. The intent of the reviews is to establish project priorities, make resource allocation decisions or recommendations and to ensure proper adherence to the Department's mission, vision, values and policies and procedures.

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### Membership:

The chairperson and vice chairperson positions shall rotate amongst the voting members every two years. All decisions by the SOPC, including the selection of the chairperson and vice chairperson shall be made on a consensus basis.

A quorum, comprised of 50% +1 of the voting committee members, must be met to hold a meeting.

Voting SOPC members shall include:

All Sheriff's Commanders

Chief Financial Officer

Director of Support Services

Sheriff's Senior Policy Advisor

Technology Manager

Others as approved by the Chairperson

Reviewing Officer:

The Undersheriff shall be the reviewing officer for all matters under the purview of the Sheriff's Operational Planning Committee.

### **Forms Committee**

Responsibility:

The Forms Committee is responsible for:

Ensuring a centralized forms control function within the Department through design, modification, consolidation, and print approval of all Department forms.

Purging of all unnecessary, duplicative, or outmoded forms.

Membership:

Chairperson – Executive Director, Management Services Bureau, or designee

Other members as appointed by the chair, upon approval of the Executive Director, Management Services Bureau.

Reviewing Officer:

The reviewing officer for the Forms Committee is the Executive Director, Management Services Bureau. (03-29-22)

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### **4.24 RISK MANAGEMENT UNIT**

The goal of the Risk Management Unit shall be to prevent and reduce workplace injuries, increase operational efficiency by identifying, assessing and controlling exposures to risk in the Sheriff's Department daily working environment.

All efforts designed to monitor, assess, manage and control the occurrence of employee health and safety issues and activities shall be referred to as "Risk Management".

The Risk Management Unit shall be managed by a Senior Departmental Human Resources Officer and overseen by the Sheriff's Human Resource Services Bureau Captain.

The Risk Management Unit shall work in a cooperative effort with the following Human Resource divisions/units to review, evaluate, and recommend resolutions to employee health and safety issues:

- Personnel Division;
- Training Division;
- Internal Affairs Division.

Day-to-day exposures to risk shall be identified at the division level and referred to the Risk Management Unit for assessment and recommendations for resolution.

#### **Risk Management Unit Functions**

The following is a list of job functions coordinated by the Risk Management Unit:

- Work related injuries (Worker's Compensation claims, disability retirements, injury leaves, modification of duties)
- Compliance with Cal OSHA regulations and handling of complaints
- Compliance with the Family Medical Leave Act
- Catastrophic Leave requests
- Mandatory physicals for safety members
- Ergonomic evaluations of workspaces
- Universal Waste Program
- Coordinate Department Automated Electronic Defibrillator Program

#### **Notification of the Risk Management Unit**

The Risk Management Unit shall be informed in accordance with the Communications Center call-out procedure immediately of any of the following incidents:

- Serious injury that results in hospitalization or death of an employee.
- Serious vehicle accident that results in hospitalization or death of an employee.
- Violation of Cal/OSHA regulations.



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An employee's immediate supervisor shall provide the necessary documents and, as soon as practical, notify the Risk Management Unit of the following:

- Any employee or volunteer injury that occurred on duty
- Any off duty injury or employee condition that requires modification to a work assignment
- Any request for Family Medical Leave or Catastrophic Leave
- Any violation or complaint about Cal OSHA Regulations (01-23-18)

### **4.25 DIVISION OF INSPECTIONAL SERVICES**

The Division of Inspectional Services (DIS) is assigned to the Office of the Sheriff. The goal of the Division of Inspectional Services shall be to prevent and reduce liability costs, increase operational efficiency by identifying and assessing the actions that expose staff to risk in the daily working environment.

Division of Inspectional Services shall assist Department management in the identification of risks and the evaluations of internal controls and business processes. Recommendations will be made to Department management that promote efficient, effective, and economical delivery of law enforcement services.

The following job functions are coordinated by DIS:

- Vehicle Operations related to pursuits, collisions, and other driving errors resulting in injury or property damage including off-road vehicle use.
- Use of Force (lethal/nonlethal weapons, physical restraint, officer involved shootings, law enforcement K-9 bites, etc.).
- Application of Law (laws of arrest, forcible entry, search and seizure, tactical operations, etc.).
- Department Policy and Procedure Review and Update.
- All County Claims
- DMV Driver's License Pull Program
- Jail Conditions (including inmate medical/psychiatric care).
- Prison Rape Elimination Act (PREA) Coordinator

The Division of Inspectional Services Executive Manager shall oversee the following functions:

- Policy and Procedure revisions, additions and deletions;
- Development of Department Performance Review Plans
- Performance Reviews
- Inspections and Control;
- Critical Incident Review;
- Liaison with Citizens' Law Enforcement Review Board (CLERB)
- Claims Investigations

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The Division of Inspectional Services will conduct performance reviews/inspections addressing the adequacy of internal Departmental controls. Comprehensive review and appraisal of Departmental operations will assist management personnel in accomplishing Departmental objectives and goals. The review process is related to examination of the following:

- Compliance with Departmental policies, procedures, rules, regulations, orders, directives and memoranda.
- Compliance with the County of San Diego rules, directives, and regulations.
- Compliance with applicable local, state, and federal law.
- Economic and efficient use of Departmental resources.
- Protection of Departmental assets.
- Reliability and integrity of Departmental information.
- Quality of job performance (in relation to guidelines and procedures directing the task).
- Maintenance of professional standards.

A performance review/inspection will be initiated as follows:

- In accordance with the Department's Performance Review Plan.
- The Sheriff or Undersheriff may request a review of any bureau/operational area/unit or function within the Department.
- Assistant Sheriffs may request a review of any operational area/command/unit/function within their bureau.
- Commanders may request a review of any command/unit/function within their operational area.
- Captains may request a review of any unit/function within their command.

Upon completion of the review, the Division of Inspectional Services will prepare a report articulating their findings and recommendations. This report will be forwarded to the requestor with copies sent to those individuals in the requestor's chain of command to the level of Assistant Sheriff.

### **Notification of Division of Inspectional Services**

The Division of Inspectional Services shall be informed in accordance with the Communications Center call-out procedure immediately of any of the following incidents:

- Any discharge of a firearm, intentional or accidental other than dispatching animal or weapons qualifications
- Use of deadly force
- Use of force resulting in serious injury or death
- Collisions involving sheriff vehicles resulting in serious injury, death or major property damage
- Pursuits resulting in serious injury, death or major property damage
- In custody deaths other than hospital death where death was expected from medical condition or illness
- Work related injuries requiring hospitalization to any employee or volunteer
- All PREA related allegations that a detainee/inmate was sexually abused.
- Escapes and attempt escapes.

In addition to the above, DIS is to be notified of the following incidents that occur in Sheriff's Facilities:

- Suicides and attempt suicides

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- Escapes and attempt escapes
- High profile erroneous releases

Note: Serious injury is defined as an impairment of physical condition, including but not limited to, loss of consciousness, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing and serious disfigurement.

The Division of Inspectional Services (DIS) will also be the liaison to the Citizens' Law Enforcement Review Board (CLERB) investigator who responds to death scenes. The procedure controlling the CLERB investigators' response can be found in the signed Memorandum of Understanding between the San Diego County Sheriff's Department and the San Diego County Citizens' Law Enforcement Review Board regarding access to death scenes, along with the DIS Manual and the Homicide Manual. (04-21-22)

### **4.26 INTERNAL CRIMINAL INVESTIGATIONS UNIT**

Text deleted 2-2-09

### **5.1 NON-EMERGENCY AND EMERGENCY VEHICLE OPERATION**

The Department recognizes only two ways to operate a vehicle when responding to calls for service: Non-Emergency and Emergency.

#### **Non-Emergency Vehicle Operation**

When proceeding to a call, other than Code 3, deputies shall obey all traffic laws and not use sirens or flashing lights (rear amber light, flashing parking/tail lights, high beam headlights).

#### **Use of Emergency Equipment During Routine Matters**

Emergency equipment may be used whenever the circumstances of an incident indicate that such use is appropriate to protect the public (Examples: traffic collisions, traffic warnings, road hazards, etc.) or to perform traffic stops.

#### ***Emergency Vehicle Operation***

*During an emergency response, a deputy's first responsibility is to arrive at the emergency in a safe manner. The use of the Code 3 procedure is discretionary and requires careful consideration of whether the deputy's expeditious arrival is necessary in a life threatening situation. The decision should include factors such as:*

- *Type or nature of the incident;*
- *Traffic and pedestrian congestion;*
- *Time of day;*
- *Road and weather conditions.*

*All of the equipment on the emergency vehicle must be used in a rational and legal manner.*

*Maximum speed is not determined by posted speed limits but by the traffic, weather, road conditions and safe and prudent operation. Vehicles should be driven at speeds where drivers may avoid the unexpected actions of other motorists and pedestrians.*

#### **Definition of a Code 3 Emergency Response**

*The vehicle is being driven in response to an emergency situation or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law (21055 CVC).*

*Section 21055 CVC does not relieve deputies from the duty to drive with due regard for the safety of all persons using the highway, nor does this section protect deputies from the consequences of an arbitrary exercise of the privileges granted (21056 CVC).*

*When a vehicle is being operated in a Code 3 manner, the deputy driving shall sound the siren as reasonably necessary, and shall use the emergency lights at all times while responding code three to a fire, responding to an emergency, engaged in a rescue operation or in pursuit of an actual or suspected law violator.*

## **San Diego County Sheriff' s Department - Procedure Section**

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### **Code 3 / 11-99 (Emergency Response)**

*A Code 3 response may be initiated by the Communications Center Watch Commander, field supervisor, or a field deputy, whenever sufficient knowledge or cause is known to exist for the timely protection of life or reduction of injury.*

*If responding Code 3, the deputy shall notify the Communications dispatcher who will seek acknowledgment from the field supervisor or, in his/her absence, the Communications Center Watch Commander.*

*Deputies requesting Code 3 backup should use the radio code, "10-88 Code," "Code 3 Cover" or "Code Cover." If appropriate, specify the number of units needed to respond Code 3.*

*A Code 3 response is inherently dangerous and Deputies should evaluate whether to respond Code 3 when a reasonable number of units are already en route to the scene.*

*Once units on-scene are Code 4, Deputies should notify dispatch as soon as possible to have all other units discontinue their Code 3 response.*

*Upon receiving an 11-99 call, only deputies within a reasonable distance shall respond Code 3 considering the below factors:*

- *The distance to the 11-99 location.*
- *Traffic and pedestrian congestion.*
- *Time of day and weather conditions.*
- *Proximity / Location of other units*

*Units that are at excessive distances from the 11-99 scene will advise the Communications Center of their location and respond as directed by the Communications Center Watch Commander or the field supervisor.*

### **Emergency Response Driving Tactics**

Each deputy operating a vehicle "Code 3" should use proper defensive driving practices.

When driving Code 3, do not expect the right of way. Before pedestrians or motorists can yield the right of way they must be afforded the opportunity to do so.

Emergency vehicles should proceed slowly enough to safely negotiate through all intersections. When emergency vehicles must use the center of the road or on-coming lanes to approach intersections on surface streets, they should travel at a speed that may allow the vehicle to stop without getting involved in a collision while proceeding through the intersection. Stopping may be required at intersections, depending upon the sight distances, traffic, time of day, weather and other factors.

Deputies should broadcast the location they are responding from and be aware of, and coordinate their response with other emergency vehicles that may be responding Code 3 in the area.

Deputies should drive in the furthest left lane for traffic moving in the same direction. Deputies should not follow other emergency vehicles too closely. A motorist may yield to the first emergency vehicle and then pull in front of another.

Passing on the right should be avoided unless there is no other safe way to continue. If there is not, pass at a safe speed after reasonably assuring the vehicle being passed will not yield to the right.

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### **Traffic Collisions during "Code 3"**

If a collision occurs during a Code 3 response resulting in potential injury of any person, deputies should remain at the scene. Depending on the circumstances deputies should request another unit to respond to the original incident, notify a supervisor and the appropriate law enforcement agency and render assistance to those injured. (Follow Department Procedure Section 5.4 Collisions Involving Sheriff's Vehicles).

### **"Code 3" Escorts**

Vehicle Code Section 21057 prohibits deputies from escorting under "Code 3" conditions except when performing the following:

- Escorting for the purpose of preserving life.
- Expediting the movement of supplies or personnel during a national, state or local emergency.

When escorting for the purpose of preserving life, deputies will consider the nature of the emergency, the dangers and hazards involved, and the emotional condition of the person to be escorted before deciding to escort "Code 3." Supervisors' approval is required.

### **Mobile Field Force Platoon Operations**

When responding to an emergency during Mobile Field Force (MFF) Platoon operations, with the approval of a supervisor who has direct knowledge of the emergency, marked and unmarked vehicles equipped with emergency lights and siren, may respond Code 3, whether as individual units or in caravans. If it is deemed necessary for a caravan to respond Code 3 to an emergency event, all vehicles in the caravan, including those used to block traffic at intersections, shall use the emergency lights and siren activated simultaneously at all times.

When Mobile Field Force caravans are responding to non-emergency situations, including MFF training, it may be necessary to use marked patrol vehicles to block intersections to maintain the integrity of the caravan. Units entering intersections to block traffic shall use the emergency lights and siren activated simultaneously until the traffic block has been established. Once the traffic block has been established the emergency lights shall remain turned on and the siren may be used as necessary.

### **Funeral Processions**

The Department recognizes funeral procession caravans as special non-emergency events. All Department vehicles participating in the procession should obey posted speed limits. However, the Department authorizes the use of emergency lights, and the use of sirens as necessary. It may be necessary to use marked patrol vehicles or motorcycle units to block intersections to maintain the integrity of the caravan. Units entering intersections to block traffic shall use the emergency lights and siren activated simultaneously until the traffic block has been established. Once the traffic block has been established the emergency lights shall remain turned on and the siren may be used as necessary.

### **Training Events**

Department vehicles are not authorized to respond Code 3 while en route to or from any training event. Emergency lights and sirens may be used while at the training site as authorized by the training event supervisor. (08-28-18)

### 5.2 VEHICLE COORDINATION AND USAGE

#### Vehicle Coordination

The Department Vehicle Coordinator shall act as liaison between the Department of General Services and the Sheriff's Department, and shall be responsible for the placement and tracking of vehicles within the Sheriff's Department.

Upon the assignment of a specific vehicle to an individual or to a division or section, the responsibility for the vehicle shall rest with that particular individual, division or section. Assignment of vehicles will not be changed without notification to the Vehicle Coordinator and the approval of the affected commander. The Vehicle Coordinator may exchange any vehicle at their discretion with approval from the effected bureau Assistant Sheriff or Executive Director.

The Department Vehicle Coordinator shall be notified immediately, in writing, in the event of any of the following circumstances:

- The assigned vehicle is no longer required.
- The vehicle is reassigned to another individual, division or section.
- The vehicle is damaged and/or must be replaced.

When an individual to whom a vehicle is assigned will be temporarily off duty due to vacation, illness, or other reason, the vehicle will be turned over to the division commander.

#### Modification, Installation, Removal of Equipment

No vehicle, motorbike, motorized equipment, boat or trailer will be modified, have equipment installed or removed, until such changes have been discussed with the Vehicle Coordinator then approved by the Area Commander. No maintenance, installation or removal of equipment, may be done except when authorized by the vehicle coordinator and performed by specifically trained personnel assigned to perform those tasks. All additions, removals or modifications to department vehicles, motorbikes, motorized equipment, boat, or trailers must be submitted in writing for approval. Exceptions would be temporary electronic equipment powered by the lighter/adaptor such as cell phone chargers as long as the devices are not permanently mounted and shall be removed at the end of shift.

#### Vehicle Use

Vehicle equipment maintenance is the responsibility of every Department member to whom County equipment is assigned to ensure the vehicle is maintained in Safe operating condition and serviced on a regular basis.

Prior to using a pool vehicle, the driver shall inspect that vehicle for proper equipment, and damage. Damage shall be immediately reported to his/her supervisor.

Whenever a member of this Department leaves a County-owned vehicle unattended, he/she shall close all windows and lock all doors of the vehicle.

All personnel who are assigned a County vehicle either permanently, temporarily, or for use as a transportation vehicle, shall park said vehicle off the street when home garaged. If circumstances prohibit this measure, it may be excused only by the division commander or equivalent ranking officer upon his/her determination of sufficient cause.

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The responsibility for the appearance of a vehicle rests directly with the employee to whom the vehicle is assigned. All vehicles shall be clean and presentable, inside and outside, at all times. Vehicles will be subject to inspection at any time.

It shall be the duty of all employees to leave their vehicles at the conclusion of a shift with a minimum of one-half (1/2) tank of fuel.

All personnel who operate a County vehicle shall have a valid operator's license, with the correct class or endorsement for the type of vehicle operated.

- The operation of Department vans that are designed to carry no more than 15 persons, including the driver, requires only a class C license.
- The operation of prisoner buses requires a Class B license with an air brake endorsement and completion of a basic 40 hour training course and a phase training course. This training shall be conducted by training officers assigned to the Prisoner Transportation Detail.
- Operation of Sheriff's motorcycles requires a Class M1 endorsement for motorcycle operation.

### Special Purpose Vehicles

A special purpose vehicle is a vehicle used because of considerations of weather, terrain, the need for inconspicuous appearance, quietness, storage requirements, or special operational needs. This includes SWAT trucks or vans, bomb disposal vehicles, mobile commands posts, all-terrain vehicles (ATV's), snowmobiles, boats, aircraft, prisoner transport vehicles and motorcycles.

- The Vehicle Coordinator along with the station, division or unit commander, will make the determination whether a vehicle qualifies as a special purpose vehicle.
  - Each command assigned a special purpose vehicle will complete a Form SO 90 (Special Purpose Vehicle) and forward it to the Vehicle Coordinator who is responsible for maintaining a permanent file. (04-24-15)

### 5.3 DRIVING IN MEXICO

When Sheriff's Department personnel find it necessary to cross the International Border into Mexico on official business, the driver shall first obtain the express permission of his/her Lieutenant or Captain. The driver shall obtain Mexican insurance policy forms which are available from the Financial Services Division.

Sheriff's Department personnel crossing the border shall notify the Communications Center of the destination, approximate time of return, and shall advise the Communications Center upon return to the United States.

Sheriff's personnel crossing into Mexico, whether on or off duty, shall not take any firearm or ammunition with them. Importation and/or possession of firearms or ammunition are federal crimes in Mexico and will result in arrest and prosecution. U.S. law enforcement personnel are not exempt from these laws. (Reviewed 4-11-2011)



### 5.4 COLLISIONS INVOLVING SHERIFF'S VEHICLES

All traffic collisions involving Sheriff's Department personnel (sworn, civilian, volunteers and reserves) operating Department vehicles, publicly owned vehicles, or any vehicle in the performance of their official duties, shall be investigated within the following guidelines. (Sheriff's Department personnel should utilize pool cars whenever possible and available for official business).

Every collision occurring in contract cities serviced by Sheriff's stations shall be investigated by that traffic division.

In cases where only Sheriff's vehicles, or County property is involved and there are no injuries, the supervisor can waive the necessity to have a Law Enforcement Accident report made. These collisions would typically include backing accidents into our own vehicles, gates, walls or property. Nothing prevents the supervisor from requesting an investigation if they feel it is warranted. All other required reports mentioned below must be completed.

In cases where another agency has jurisdiction, no parallel investigation will be conducted by a Sheriff's traffic unit unless:

- The agency of jurisdiction does not respond and complete an investigation
- The employee was involved in a collision during a vehicle pursuit
- Specifically requested by the responding supervisor or station command
- The employee is involved in a collision which results in death or severe injury, to any party involved, as defined by SWITRS (Statewide Integrated Traffic Records System)

Severe Injury is defined as follows:

An Injury, other than a fatal injury, which results in broken, dislocated or distorted limbs, severe lacerations, or unconsciousness. It does not include minor lacerations requiring hospital admission.

An employee involved traffic collision which results in death or severe injury will be investigated by a Sheriff's Traffic Accident Reconstructionist, (STAR) team member. The on-scene supervisor shall ensure notification of the Sheriff's Reconstructionist and provide any coordination necessary with other agencies. The traffic supervisor from the investigating traffic division shall oversee the investigation.

All employees involved will cooperate fully with the other agency's investigation and assist them as requested.

#### **Responsibilities of the Driver**

Immediately notify the Communications Center regarding injuries, the location and extent of vehicle/property damage, request a traffic investigation by the responsible agency and request his/her supervisor responds to the scene.

Complete a Confidential Vehicle Accident Report (CD-2) and write a Deputy's Report or Driver's written statement for all collisions.

- Both reports will be submitted with the Sheriff's case number, if applicable, assigned to the traffic investigation.

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- Both reports will be completed prior to the end of the shift, or if off-duty prior to the end of the next work day.
- For collisions involving injury to a department employee, complete an Employee-Employer Report of Occupational Illness or Injury (MLU-4/5019).
- For collisions involving unoccupied Sheriff's vehicles, the assigned driver shall follow the preceding requirements.

### **Responsibilities of the Communications Center**

Notify the law enforcement agency having jurisdiction for investigation in the area where the collision occurred.

Notify the driver's supervisor.

Notify the appropriate Sheriff's Traffic Unit if in a contract city, if a parallel investigation is requested.

Make all other necessary calls (tow truck, Ambulance, etc.).

### **Responsibilities of the Driver's Supervisor**

When an employee is involved in a traffic collision, which results in death or severe injury, the employee's supervisor will respond to the scene whenever possible. If unavailable the on-duty supervisor shall respond to the scene.

Whenever possible, make an on-scene investigation.

Review and approve reports submitted and make copies for the supervisor's investigative package.

Complete and forward originals of the following documents to the LES Operations Support Lieutenant the following business day:

- "Supervisor's Accident Investigation Report" (OES RM-3)
- "Confidential Vehicle Accident Report" (CD-2)
- Deputy's Report or Driver's written statement

Obtain a copy of the traffic collision report and forward to the LES Operations Support Lieutenant when available.

Conduct an investigation to determine if the collision was chargeable or non-chargeable. If the collision is determined to be "chargeable", then proceed as outlined in Policy and Procedure Section 3.3 ("Disciplinary Procedures"). The investigating supervisor shall complete the chargeable investigation in a timely manner, not to exceed 60 days from the date of the incident unless an extension has been granted by the bureau commander. An estimated cost of the damage to the county vehicle must also be included in the investigation.

If the collision was determined to be "non-chargeable", then proceed with completing a non-chargeable Employee Accident Investigation, and route it through the chain of command. All non-chargeable collision investigations shall be completed and sent to the LES Operations

## **SECTION 5 Vehicles & Transportation**

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## **San Diego County Sheriff' s Department - Procedure Section**

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Support Lieutenant within 60 days of the incident unless an extension has been granted by the bureau commander.

### **Responsibilities of Sheriff's LES Operations Support Lieutenant**

Distribute copies of reports to:

- County Counsel - Claims Office Original of OES RM-3 and CD-2. Copy of ARJIS-9 or Driver's written statement and agency's collision investigation.
- Fleet Operations - Copy of OES RM-3, CD-2 and ARJIS-9 or Driver's written statement.
- County DHR Risk Management Office - Copy of OES RM-3, CD-2 and copy of ARJIS-9 or Driver's written statement.

Track, analyze and report Department collision trends to the Office of the Sheriff.

Investigations on vehicle collisions determined to be non-chargeable shall be maintained for two years and then destroyed.

The LES Operations Support Lieutenant shall also provide a monthly report of all pending traffic accidents to their supervisor.

### **Responsibilities of Internal Affairs**

Maintain vehicle collision records as follows:

- Records on chargeable collisions not resulting in formal discipline shall be maintained for five years then destroyed.
- Records on chargeable collisions resulting in formal discipline shall become part of the employee's permanent discipline file.
- All pictures shall be attached to the report filed in Internal Affairs.

### **Responsibilities of Records Division**

Sheriff's Records Division will maintain only Sheriff's Department collision reports.

### **Management Personnel**

Reports will be submitted via the chain of command to the Commander or Professional staff equivalent level. Sheriff's management staff will review the Supervisor's Accident Investigation Report and Disposition. Upon approval by Sheriff's Management, the report shall be forwarded to the LES Operations Support Lieutenant. If the collision is non-chargeable, it will be processed as stated above. If the collision is chargeable, it will be forwarded to Internal Affairs after the pertinent data has been collected.

### **Accidents Involving Sheriff's Aircraft**

Accidents involving Department aircraft or aircraft being utilized by members of the Sheriff's Aero Squadron on official duties shall be investigated and processed according to procedures outlined in ASTREA's Standard Operational Procedures. (05-12-22)

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### 5.5 SAFETY BELTS

When transporting a violently combative prisoner, the seat belt need not be used, if during its placement on the prisoner it would create a potential injury situation to the deputy and/or prisoner. (01-26-98)

### 5.6 GASOLINE CREDIT CARDS

If County locations are unavailable, the use of County credit cards are authorized for the following types of fuel:

- Motorcycles - Super unleaded gas (92-octane); self-serve only. Oil as needed.
- Cars (including patrol and 4x4 vehicles)

Regular unleaded gas (if not available, super unleaded gas is authorized; self-serve only). Oil as needed.

In an emergency, minor repairs/parts may be purchased.

- When a purchase is made the driver of the vehicle will write the vehicle number on the receipt.
- These purchases must be approved by General Services, and if not approved they will be paid out of station/facility petty cash.
- Receipts for any purchase will be submitted to the station/facility supervisor for review.

Station/facility supervisors will review all credit card receipts. Review shall consist of:

- Identifying County vehicle number.
- Checking for improper use (i.e., unauthorized purchases or repairs, not County vehicle, etc.).
- If repairs are made, identify what type, such as replace radiator hose, etc.
- If parts are purchased, identify what type: Emergency items such as headlights, fuses and windshield wipers.
- Supervisor initials receipt after review and forwards to Vehicle Coordinator at mail stop O-341.

Credit cards are issued to patrol vehicles. All other credit cards are issued to individuals who are responsible for their use.

Lost/Stolen Credit Cards: Must be reported verbally (next business day) and in writing on a Form 153 to the Sheriff's Vehicle Coordinator and must include: (1) entire card number; (2) vehicle number card is assigned to or individual the card is assigned to; (3) date card was lost/stolen. (10-10-98) (Reviewed 4-11-2011)

**5.7 PARKING CITATIONS  
ISSUED TO COUNTY  
VEHICLES**

Parking citations shall either be dismissed by the Department or paid by the employee or appealed via the appropriate channels for the jurisdiction in which the citation was issued.

Only parking citations issued to on-duty county vehicles during a verifiable emergency or urgent situations may be considered for dismissal. Possible exceptions may include situations such as urgent, unplanned court testimony where no lawful parking is available; necessary suspect surveillance where relocating the vehicle would hamper the investigation; etc.

Parking citations issued to county vehicles during a verifiable emergency or urgent situations may be considered for dismissal:

- Each dismissal request shall be submitted on Inter-departmental correspondence, via the employee's chain of command, to the Undersheriff within 10 calendar days.
- The request must include a detailed explanation of the emergency or urgent situation and verification that the vehicle is registered to the County of San Diego.
- The citation shall be attached to the dismissal request.

Dismissal rejections will be returned to the employee's command to ensure the employee pays the fine or appeals the citation to the issuing jurisdiction.

Dismissal approvals will be forwarded to the LES Operations Support Lieutenant who will act as liaison with the issuing jurisdiction to request final dismissal of the citation.

- Dismissal approvals which are subsequently rejected by the issuing jurisdiction will be paid out of the employee's command's petty cash fund.

**Reimbursement for Parking Fees**

Employees may submit receipts, where applicable, to their commands and be reimbursed by petty cash.

Reimbursement would also apply to employees utilizing their personal vehicles to attend official Sheriff's Department business, such as subpoenas, training and meetings. (05-12-22)

**5.8 HOME GARAGING AND  
USAGE**

The LES Operations Support Lieutenant shall be responsible for maintaining the approved authorized home garaged vehicle assignment list. The home garaged vehicle assignment list will identify all assignments that are authorized home garaging for either to and from work, or off duty usage.

The authorized home garaged vehicle assignment list will be reviewed semi-annually by each Bureau Commander. Every July 1<sup>st</sup> the-home garaged vehicle list will be reviewed-by the Undersheriff for approval.

All home garaging assignments must be approved by the Undersheriff.

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### **Home Garaging of County Vehicles**

When a division/station/facility commander feels a position meets the minimum criteria for home garaging and the home garaging of the vehicle will be a benefit to the Department, he/she may submit a request for authorization of home garaging to the Undersheriff via the chain of command- form SO-92. All approved changes shall be added to the home garaged vehicle assignment list and will be maintained in hard copy form by the LES Operations Support Lieutenant for a period of one year after placement on the list.

The LES Operations Support Lieutenant shall be notified immediately, via a SO-92 form, when there has been a change in the usage of a vehicle assigned to an individual, as described below:

- Change in vehicle assignment
- Change in work location
- Change of home address
- The request must contain the need, benefit and economic impact to the department.

The following criteria will be utilized for appropriate justification for home garaging and usage of County vehicles:

#### **Operational Needs**

- Call Back

Assignment is subject to call back at any time based on investigative expertise, Mobile Field Force response, supervisory or management responsibility.

- Rapid Redeployment

Assignment requires rapid response to emergency disaster or critical incident where time is of the essence.

- Protection of Undercover Identity

Assignment will endanger employee when exposed to public scrutiny.

#### **Administrative Needs**

- Inspection and Control

Assignment requires unannounced inspections around-the-clock to ensure compliance with procedures.

- Community Relations

Community interaction requires response, at odd hours, in a variety of locations, to meetings, functions and requests for assistance.

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### **Efficiency Reasons**

- Overtime Reduction

Assignment requires immediate response to remote locations throughout the county.

- Security Problems

Assignment is in a location which lacks secure parking and/or lacks sufficient parking for both County-owned and privately owned vehicles.

- Communications

Assignment requires instant access to mobile communications in order to make an effective response.

### **Temporary Home Garaging**

Temporary home garaging because of a one-time need based on operational reasons can be authorized by a Division/Station/Facility Commander not to exceed a 30 day authorization period.

### **Use of Home Garaged Vehicles**

All home garaged vehicles will fall within three identified usage categories.

- "Off-duty"– 7/24 usage
- "To and from"– usage to and from work/call-outs.
- "Personal use " when on-call"

Assignments that fall under these three usage categories will be listed on the vehicle assignment list. The vehicle assignment list shall be maintained by the LES Operations Support Lieutenant.

There are also some marked Sheriff's vehicles which are authorized for Home Garaging and will be listed on the vehicle assignment list.

All personnel who are assigned a County vehicle either permanently, temporarily, or for use as a transportation vehicle, shall park said vehicle off the street when home garaged. If circumstances prohibit this measure, it may be excused only by the Division Commander or equivalent ranking officer upon his/her determination of sufficient cause. This will be documented via a SO-92 Form.

Employees will monitor the radio when using the vehicle. Employees are expected to take appropriate action when notified by radio or when matters come to their attention through observation.

County-owned vehicles will not be used for any purpose which is likely to bring discredit to the County or to the Department.

For those assigned off duty use or to and from usage, County vehicles may be home garaged out of County only in those counties adjacent to San Diego, unless authorized by the Division Commander.

When an individual to whom a vehicle is assigned will be temporarily off duty due to vacation, illness, injury or other reason for more than 30 consecutive days, the vehicle will be turned over to the Division/Station Commander.

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Employees authorized to use County-owned vehicles will not operate any County-owned vehicle at any time when their driving ability has been impaired through the ingestion of drugs, medicines or alcoholic beverages. (05-12-22)



### 6.1 LIABILITY PREVENTION: THREATS OF VIOLENCE

Notify the potential victim of such threat of violence where good judgment would so dictate.

Submit a comprehensive written report giving the details of the threat, suspect information, potential victim information; and, finally, explicit details of how and when the victim was notified of the incident.

Threats of physical harm against employees of the Sheriff's Department will be handled by the procedures outlined in Procedure 3.25.

Whenever possible, avoid making specific promises to protect or to warn potential victims. This will minimize exposure to liability ARISING UNDER A THEORY OF CREATING A SPECIAL RELATIONSHIP.

(03-21-12)

### 6.2 JUVENILE PROCEDURES

#### Juvenile Services Group Responsibilities (JSG)

Generally, JSG investigates the following crimes or incidents:

- Juvenile Crimes including, but not limited to:
  - 273(a) PC Child Abuse (both suspect and victim are 17 years or younger; misd.)
  - 314.1 PC Indecent Exposure (juvenile suspect)
  - 243.4 PC Sexual Battery (juvenile suspect 14 to 17 years old)
  - 261.5 PC Unlawful Intercourse (juvenile suspect(s) 14 to 17 years old)
  - 647.6(a) PC Molest/Annoy a Minor Victim (juvenile suspect)
  - 272 PC Contributing to the Delinquency of Minors (juvenile suspect)
  - 273a(b) PC Physical Abuse (juvenile suspect; misd.)
  - Courtesy Reports from Other Agencies (juvenile suspect)
- Crimes of Known Juvenile Suspects
- School Threats (see "School Threat Protocol")
- Runaway/Missing/Abducted Children
- Juvenile Suicides
- Curfew and Truancy Cases
- Other Cases Involving a Juvenile at the Discretion of the Area Detective Sergeant

#### Juvenile Services Group Notification and Callout Procedure

The JSG Sergeant shall be notified, via the Sheriff's Communications Center, of any cases involving a juvenile suicide, child abduction, or an at-risk runaway/missing juvenile(s). As defined in Procedure Section 6.57, an "at-risk" missing juvenile is one who is, or could likely be one or more of the following:

- The victim of a crime or foul play
- In need of medical attention or medicine to sustain life
- Has no pattern of running away or disappearing
- Mentally impaired
- Under the age of 12

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The station's Area Detective Sergeant should be notified, via the Sheriff's Communications Center, of other serious juvenile-related incidents including school threats and/or suspicious activity reports (SAR).

### **School Threat Investigations**

School threats are investigated primarily by the School Resource Officer(s) (SRO). In the event there is no SRO assigned to the station or school, the Area Detective Sergeant shall assign a Juvenile Detective to investigate the incident.

For a detailed protocol regarding school threats, refer to the JSG's Operations Manual and its attached San Diego County School Threat Protocol.

### **Juvenile Contacts**

Status Offenses (W&I § 601) are those offenses that only apply to juveniles between 12 years old and 17 years old. Status offenses are: Truancy, Beyond Control, and Curfew. Prior to the arresting officer deciding on the field disposition of a juvenile status offender, a records check should be made to determine if there were any prior arrest contacts, or outstanding juvenile warrants.

The options for field disposition of status offenders are limited in scope. A truant may be released to the school, parent, guardian, or other responsible adult. Curfew violators may be released to a parent, guardian, or other responsible adult.

W&I § 626(b) allows for the release of 601 W&I offenders to a private agency that offers emergency shelter and care for juveniles who cannot be returned home, or who are located out-of-jurisdiction (missing persons).

W&I § 602 Juvenile Contacts includes all statutory law violations committed by juveniles. Prior to the arresting officer deciding on the field disposition of a juvenile contact, a record or ARJIS check should be made to determine if there were any prior arrest contacts or outstanding juvenile warrants. Possible dispositions for juveniles are:

- If prosecution is desired, the deputy shall write a Juvenile Contact Report (JCR). No citation is needed. The report will be reviewed by the Area Juvenile Detective, who can submit the case to the DA by completing an affidavit. The juvenile can be released to a parent, guardian or other responsible adult or if warranted, booked into Juvenile Hall.
- If the juvenile does have a prior contact, or the offense is a felony, the options available to the arresting deputy are:
  - Complete a JCR and release the juvenile to a parent, guardian or other responsible adult. The report will be reviewed by the Area Juvenile Detective who will complete the affidavit. A citation shall not be issued to appear in court.
  - If the situation warrants, the deputy will complete the affidavit and probable cause declaration and book the juvenile into Juvenile Hall.

When a juvenile is taken into temporary custody, the arresting or reporting deputy should conduct an inquiry check. A criminal history check can be conducted by contacting the Area Juvenile Detective, or if after hours, the Detention Control Unit (DCU) at Juvenile Hall. The contact number for the DCU is 858-694-4505. If there is a need to contact the DCU via telephone, the security code can be provided by the patrol sergeant.

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The disposition of the juvenile by the Area Juvenile Detective is based, in part, on the juvenile's prior contacts and the information and recommendations of the arresting deputy.

A Juvenile Detention Order (JDO) is a court order directing a peace officer to take a juvenile, who is a ward of the court, into temporary custody. Any deputy who determines a juvenile has a JDO must take the juvenile into custody and book him/her into Juvenile Hall or where specifically stated in the order. As with all juveniles taken into temporary custody, the juvenile must be admonished, and a JCR completed. A juvenile detained for a JDO may not be released to a parent or be released on a citation.

### **Miranda Admonishment**

Whenever a juvenile is taken into temporary custody under the provisions of 601 or 602 W&I, the juvenile must be admonished of his/her Constitutional Rights per the San Diego Sheriff's Department Admonishment Statement. The waiver of these rights need not be requested until the juvenile is to be questioned about a specific offense. The arresting deputy shall ensure that the juvenile understands each portion of the admonishment and that any waiver of their rights is given voluntarily. (625 W.I.)

Effective January 1, 2021, Senate Bill 203 (SB 203) updated Senate Bill 395 (SB 395), requiring youth 17 years of age or younger consult with an attorney prior to custodial interrogation by law enforcement. Youth must consult with an attorney prior to a waiver of *Miranda* rights. The consultation with an attorney cannot be waived by the child or law enforcement. However, *Miranda's* public safety exception applies when the interrogation's purpose is solely to protect life or property from imminent threat.

Welfare & Institutions Code section 625.6, created by SB 395 and amended by SB 203, states in relevant part:

- (a) Prior to a custodial interrogation, and before the waiver of any *Miranda* rights, a youth 17 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.
- (b) The court shall, in adjudicating the admissibility of statements of a youth 17 years of age or younger made during or after a custodial interrogation, consider the effect of failure to comply with subdivision (a) and, additionally, shall consider any willful violation of subdivision (a) in determining the credibility of a law enforcement officer under Section 780 of the Evidence Code.
- (c) This section does not apply to the admissibility of statements of a youth 17 years of age or younger if both of the following criteria are met:
  1. The officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat.
  2. The officer's questions were limited to those questions that were reasonably necessary to obtain that information.
- (d) This section does not require a probation officer to comply with subdivision (a) in the normal performance of the probation officer's duties under Section 625, 627.5, or 628.

### **Telephone Rights of Juveniles in Custody**

Whenever a deputy takes a juvenile into temporary custody and transports that juvenile to a place of confinement, such as a substation, station or Juvenile Hall, the juvenile will be advised of their

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right to make at least two telephone calls. The arresting deputy has the responsibility to provide the opportunity for the juvenile to complete these telephone calls. These phone calls will be offered within one hour after the juvenile is taken into custody at a place of confinement. All local calls are at the expense of the Department and will be made in the presence of a Sheriff's Department employee to ensure the juvenile is calling a parent, guardian, responsible relative, lawyer or employer. (627 W.I.)

### **Notification of Parents Concerning Juveniles in Custody**

When a juvenile is taken into temporary custody at a place of confinement, his/her parent(s) shall be notified immediately that the juvenile is in custody and where they are being held (627 W.I.). The arresting deputy is responsible for notification of a parent.

- If no parent can be located, the arresting deputy will notify the Watch Commander at the Communications Center, who shall continue trying to notify a parent.
- Should the residence of an arrested juvenile be outside San Diego County, but within the State of California, the arresting deputy shall furnish the Communications Center with the arrest information.
- The parents or guardians of arrested juveniles who reside out of the state shall be notified by the Probation Department, as the Probation Department must personally contact the parents in order to arrange for the return of the juvenile to his/her residence.

### **Report Writing**

If a minor is taken into temporary custody (detained) and it is later determined that no crime was committed, the juvenile may be released in the field. A JCR shall be written if the detention is extended, or the juvenile is involuntarily transported by the deputy. In the "crime potential" field of the JCR the deputy will enter "Detention Only." If force was used to affect the detention, then a JCR shall be written along with the use of force supplemental.

Deputies should document the attitude and cooperation of the parents and the juvenile in the report narrative. All reports must be complete with specific attention directed toward items such as complete and correct names of juveniles, parents, addresses, zip codes, telephone numbers, parent notifications, prior arrest history, and disposition of the juvenile. Pertinent information such as names, addresses, telephone numbers and birth dates, must be verified before the juvenile is released.

### **Identification Data on Juveniles**

It is permissible for deputies of this Department to obtain photographs, fingerprints or other evidence from juveniles who are in custody pursuant to W&I § 626 if such evidence is or may be reasonably expected to be necessary to the investigation of a criminal case. Such evidence shall be kept in a location inaccessible to persons who are not involved in case investigation. The facility commander shall appoint one person at each Sheriff's facility who will be responsible for the preservation and security of such material. Electronic information and image systems are not subject to the restrictions of this section.

If a juvenile is taken into custody pursuant to any offense outlined in W&I 602, other than 647(f) P.C. (Drunk in Public), the arrest data and their fingerprints should be obtained and reported to the Department of Justice. This may be accomplished by transmitting the data and fingerprints electronically to the Department of Justice via Live Scan technology, or by obtaining two inked fingerprint cards that will be attached to a printout of the report and sent to the Records Division.

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### Juvenile Citation Process

Juveniles who commit Vehicle Code infractions should be cited and released on a promise to appear at the local traffic court on a designated date. The traffic courts are: North County, Central, South Bay and El Cajon.

Issuing citations to a juvenile for other than traffic purposes establishes a court date for the juvenile; however, it removes the ability of the Juvenile Detective to use diversion or other processes prior to appearing in court. If a deputy releases the juvenile to a parent and/or guardian, the deputy should document the arrest in a JCR. If the juvenile is booked into Juvenile Hall filing an affidavit is the preferred method of filing charges for Juvenile Court.

Juveniles may be released in the field pending a Juvenile Contact Report for a curfew violation to the custody of a parent, guardian, another responsible adult, or to the juvenile's residence if in the opinion of the deputy that the juvenile is not at risk. (Deputies should attempt to verify the juvenile's address when releasing them at their home).

Citations should not be issued under the following circumstances:

- When the offense is:
  - VC § 23152(a)(b), Driving Under the Influence.
  - VC § 23103, Reckless Driving.
  - VC § 20001 and VC § 20002, Hit and Run.
- For the misdemeanor and felony Vehicle Code sections listed above, prepare a JCR and complete, scan, and attach an unsigned "In Custody" citation to the JCR so that these offenses will be documented on the juvenile's DMV record. The unsigned citation is then forwarded to the Area Juvenile Detective.
- When there is an outstanding warrant or valid Order of Detention on the juvenile, a JCR should be completed, and the juvenile is to be booked into Juvenile Hall or location noted on the warrant. The completed citation is scanned and attached to the JCR. The citation is then forwarded to the Area Juvenile Detective. The cite shall be signed by the juvenile and a court date issued in this instance.

### Juvenile Drug/Alcohol Testing

Deputies having a juvenile in temporary custody who falls within the jurisdiction of W&I § 602, may ask the juvenile to submit to a voluntary chemical test of his/her urine for the purpose of detecting the presence of alcohol or drugs. Before administering the test, the deputy shall give the following admonition:

*I am asking you to take a voluntary urine test to test for the presence of drugs or alcohol in your body. You have the right to refuse to take this test. If you do take the test, it cannot be used as the basis for filing any additional charges against you. It can be used by a court for the purpose of sentencing. You have the right to telephone your parent or guardian before you decide whether or not to take this test. (625.2(a) WI)*

The results of the test can be used by a court in a disposition hearing; however, results cannot be used as the basis to file a petition by the prosecuting attorney. The submission of the urine sample is voluntary. The admonishment does not apply to tests administered pursuant to VC § 23612 (DUI related) (625.2(b) WI).

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### **Booking Juveniles into Juvenile Hall, Arrest, Crime Reports and Affidavits**

Pre-screening by telephone with an intake probation officer at the Detention Control Unit is required before booking a juvenile into Juvenile Hall.

The Juvenile Probation Detention Control Unit (DCU) is responsible for obtaining and screening reports that accompany juveniles brought to Juvenile Hall. Reports are necessary for the Detention Control Officer to make a detention or release determination as mandated by the Welfare and Institutions Code. No juvenile can be accepted by the Detention Control officer without a report sufficient to make such a determination. The Detention Control Officer is also responsible for obtaining, from the deputy, the report, an application to commence Juvenile Court proceedings in the form of an Affidavit and Application for Filing of the Juvenile Court Petition (Probation Form #419), and the deputy must sign a probable cause declaration form asking the District Attorney to review for probability.

Booking a juvenile is highly unlikely unless a complete JCR is received. A report must be submitted on every juvenile entered into Juvenile Hall and during normal business hours, to the District Attorney's Office. The arresting deputy or transporting deputy must hand carry one copy of the report to the District Attorney's office for evaluation of the JCR. After normal business hours, the arresting deputy will provide the DCU intake officer two copies of the completed JCR, a juvenile affidavit, and a probable cause declaration. In the event the juvenile is booked prior to the JCR being completed, the arresting deputy will ensure that the completed JCR is faxed or emailed to the DCU prior to the end of their shift.

Non-Wards presented to the DCU at Juvenile Hall on misdemeanor or felony charges will only be accepted if accompanied by reports supporting the filing of a W&I § 602 Petition. All detentions must comply with the intent of W&I § 628. Decisions regarding detention will call for some discretion and judgment. Screening criteria are subject to change but are generally based on risk factors such as the seriousness of the crime, weapons possession, prior record or probation status, living arrangements and other special circumstances including gang affiliation.

### **Adults, age 18 to 25, arrested for a JDO**

Individuals placed under arrest for a juvenile warrant (JDO) will not be booked into an adult booking facility unless they meet one of the following criteria:

- The individual is 25 years of age or older
- Has additional arrests not originating from juvenile court
- A court order states to house the individual (19 years of age or older) in an adult facility

If a deputy arrests an individual aged 18-25 and the only charge is a JDO the deputy must first call Juvenile Probation's DCU in accordance with their booking process.

### **Diversion Disposition**

The Juvenile Detective is responsible for making the final disposition on all juvenile contacts where the juvenile was not placed in Juvenile Hall. Local juvenile records and resource information are maintained by the Juvenile Detective to aid in making a proper disposition. To ensure all facts are considered in the final disposition, additional data should be supplied by the arresting deputy, either in the report, or in a cover letter.

The Area Juvenile Detective will be responsible for completing the Affidavit and Application for filing of the Juvenile Court Petition (Probation Form #419) when the juvenile is not booked into Juvenile Hall by the field deputy.

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The Area Juvenile Detective is available as a technical resource to each station as well as schools and community groups. The Area Juvenile Detective is a liaison between the Juvenile District Attorney, the Probation Department and the arresting/investigating deputy.

### **Runaway and Incurrible Youth**

Missing or runaway reporting procedures are explained in Policy and Procedure section 6.57. When contacting a minor who has been reported as a runaway/missing person, and the deputy knows the minor is a runaway/missing person, the deputy should make all reasonable attempts to contact the minor's parents or legal guardian, as described in Policy and Procedure Section 6.57. When deputies contact incurrible youth, they may offer referrals or information to local community-based organizations. The parent should be encouraged to contact the station Juvenile Detective the following workday. A JCR must be submitted to outline the circumstances of the contact. The juvenile should be released to the parent unless it is obvious the parent cannot or will not be able to control the juvenile or the juvenile is likely to flee. In such cases, contact is to be made with the Area Juvenile Detective or the Juvenile Probation DCU to discuss placement in a community-based organization designed to provide short-term emergency housing for juveniles.

### **Curfew**

The Sheriff's authority for enforcement of curfew violations in the unincorporated areas of the County is derived from Sections 35.101 through 35.103 of the San Diego County Code of Regulatory Ordinances. This ordinance involves every juvenile between 12 and 17 years of age, age, who remains in any public place or on the premises of any establishment during curfew hours. "Curfew hours" means the period from 10:00 p.m. until 5:00 a.m. the following day. There are specific exceptions to the County Curfew ordinance and to the individual Contract City curfew ordinances. Deputies should familiarize themselves with the curfew ordinances and their exemptions in the jurisdictions that they serve.

The curfew violators may be transported directly home or may be brought to the Sheriff's facility where the parents can be contacted, and the juvenile released to their custody. In either disposition, a JCR is required. When a patrol deputy feels the situation, time, and circumstances require only a warning and release at the scene, this may be done. It is still the responsibility of the arresting/detaining deputy to notify the parent of the violation and the safe disposition of the juvenile.

### **Tuancy**

Tuancy is a W&I § 601 violation, a status offense, and the juvenile cannot be booked into Juvenile Hall or placed in a secure detention setting or facility. When a juvenile is contacted for truancy during school hours, the status of the truancy should be confirmed with the juvenile's school. Once the truancy is confirmed, the juvenile can be arrested for daytime loitering, (Ordinance SDDC 32.1303). The juvenile may be released to a parent or to the custody of school officials. As with all temporary custody situations, a JCR must be completed describing the circumstances of the detention. (04-18-2024)

### **6.3 JUVENILE DETENTION PROCEDURES**

Whenever a juvenile is taken into temporary custody for any violation the juvenile may be temporarily detained at a Sheriff's facility only for the purpose of one of the following criteria (per W&I §§ 626 & 626.5). The juvenile may remain on the Sheriff's premises voluntarily. The care of

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any juvenile placed in temporary custody is the responsibility of the arresting deputy. The detention may only be for the purpose of:

- Giving the deputy time to investigate the case.
- Facilitating the release of the juvenile to parents or guardian.
- Arranging for the transfer and transportation of the juvenile to Juvenile Hall.
- Arranging for the release and transportation of the juvenile to a shelter authorized for this purpose by the County of San Diego.

While the juvenile is in a Sheriff's Facility he or she is considered to be in either Non-secure Detention or Secure Detention.

- No physical or sustained sight or sound contact between juveniles in detention and incarcerated adults is to occur. In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of inmates) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact. (Title 15, Article 9, Section 1144).
- Per Welfare and Institutions Code 208(a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact, with such adults.

### Non-Secure Detention

A juvenile who is taken into custody for a law violation, but who is under 14 years of age, or is not believed to be a security risk, may be placed in temporary custody, but the custody must be non-secure.

A juvenile in temporary custody must have adequate supervision which, at minimum, includes constant personal visual observation.

Status offenders (W&I § 601) abused, neglected or any child described in W&I § 300, may only be held in non-secure detention while in a Sheriff's facility.

The care of juveniles in temporary custody is the primary responsibility of the arresting deputy.

The following must be made available to all juveniles held in non-secure detention:

- Reasonable access to toilets and washing facilities.
- One nutritious snack, upon request, during the term of temporary custody if the juvenile has not eaten within 4 hours or is otherwise in need of nourishment.
- Reasonable access to drinking water.
- Privacy during visits with family, guardian and/ or legal counsel
- Males and females are not to be placed in the same room, unless they are under constant visual supervision by facility staff.

A juvenile cannot be held in excess of a total of (6) hours in temporary custody. This time is a total time of secure and non-secure detention.

### Secure Detention

Secure detention occurs when a juvenile is detained in a jail or locked in a room/enclosure and/or secured to a cuffing rail or other stationary object while in custody in a law enforcement facility. California law prohibits the secure confinement of juveniles in Sheriff's facilities unless the juvenile meets all of the following criteria:

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- The juvenile is 14 years of age, or older, and
- The juvenile is taken into temporary custody on the basis of having committed a criminal law violation (per W&I § 602), and
- The deputy apprehending the juvenile has a reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors considered when determining if the juvenile presents a serious security risk to self or others are:
  - Age, maturity, and delinquent history
  - Severity of offense
  - Juvenile's behavior
  - Availability of sufficient staff to provide adequate supervision and protection of the juvenile, and
  - The age, type and number of other individuals detained at the facility.

A juvenile that qualifies for secure detention as described above must be afforded the same care as juveniles held in non-secure detention and, in addition, the detention must also conform to the following conditions:

- Juveniles must be informed at the time they are placed in secure detention, the purpose of placement, the expected duration of the placement and the maximum six (6) hour total time limit on secure and non-secure detention. (W&I 207.1)
- The juvenile must be adequately supervised. If in a locked room, the supervision must include, at a minimum, constant auditory access to staff and unscheduled visual observation, no less than every thirty minutes.
- Juveniles in locked rooms must be provided blankets and clothing, if necessary. They must be permitted to retain or wear their personal clothing unless it is inadequate, presents a health problem, or is required as evidence.
- Juveniles outside of a locked enclosure may be secured to a stationary object for no more than thirty (30) minutes, and every thirty minutes thereafter upon approval of the watch commander. A staff person must be present at all times. Written documentation is required for continued secure detention. Juveniles who are secured to a stationary object should be moved to a locked room, when available.

Each station/facility must maintain a written record or log for the purpose of recording juvenile detention data and documenting the length of secure detention.

- The arresting deputy shall record:
  - The name of the arrested juvenile
  - The name of the arresting or custodial deputy
  - The date and time placed in secure detention
  - The date and time removed from secure detention
  - The offense which is the basis for the original detention and the reasons and circumstances forming the basis for the decision to place the juvenile in secure detention
- At the end of each month, stations shall complete and submit a Report on the Secure Detention of Minors in Buildings That Contain a Lockup/Jail to the California Corrections Standards Authority.
- The stations which securely detain minors during the course of the year are subject to a physical inspection by the California State Corrections Standards Authority.

Suicide Risk and Prevention:

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Juveniles who have been arrested for a criminal offense are at risk of suicide. Every deputy should be able to recognize potential suicide symptoms or signs that a juvenile may exhibit which would indicate they are at risk.

- Once identified, any deputy should take the appropriate action to remove the threat or any means that might be used to attempt suicide.
- After observing suicidal symptoms, the juvenile should be placed under constant audio-visual observation.
- If the disposition of the juvenile is to be transferred to another agency or facility, it is the responsibility of the arresting deputy to advise that agency or facility of the suicidal symptoms observed.
- If the juvenile is to be released to a parent, it is the responsibility of the arresting deputy to assure that the parent is aware of the suicidal symptoms observed.
- Should the juvenile attempt suicide immediate medical attention should be sought.
- All observations and actions must be documented in a Juvenile Contact Report or deputy's Report prior to the end of the deputy's shift.

### Use of Restraints:

The use of restraint devices such as the prostraint chair, four point restraint or cord cuff restraint should be avoided in dealing with detained juveniles. If there is a need for the use of such methods, the juvenile should be transported immediately to Juvenile Hall, an adolescent psychological screening facility, or to a medical facility equipped to handle the emergency.

### Emergency Medical Care:

If a juvenile is in temporary custody and requires medical attention, the arresting deputy will secure emergency medical attention as soon as possible.

- If the juvenile must be transported to an emergency room, a deputy must remain with the juvenile
- The arresting deputy should attempt to contact the parent to have the parent respond to the medical facility to authorize treatment, if necessary
- If a parent cannot be located, the transporting deputy will work with the medical staff to secure emergency treatment authorization from the Superior Court
- The arresting deputy should consider the medical condition of the juvenile in evaluating the disposition of the detention
- All hospital records or additional information should be given to Juvenile Hall at the time of booking

### Intoxicated and Substance Abusing Juveniles:

Intoxicated juveniles who are detained are at risk for serious medical consequences.

- When an intoxicated or substance abusing juvenile is detained, the deputy must maintain and document constant personal supervision and evaluation of the juvenile
- If the intoxicated juvenile is placed in secure detention, the juvenile must be personally observed at a minimum of every 15 minutes and the observation shall be documented
- Juveniles who could be described as intoxicated to a level that they are unable to care for themselves, need to be transported to a hospital by the transporting deputy for medical treatment and clearance. A juvenile who is intoxicated but not to the above level, does not require a medical clearance

### Discipline:

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It is not the policy of the Sheriff's Department to discipline juveniles in custody. No deputy may administer, perform or inflict discipline, punishment or corrective action on any juvenile while in custody.

Death of a Juvenile while in Custody:

It is the responsibility of the facility commander to provide to the California Corrections Standards Authority a copy of the report submitted to the State Attorney General within ten days after a death of a juvenile while in custody. The facility commander must assure that there is a medical and operational review of every in-custody death of a juvenile. The review team will consist of the facility administrator and/or facility manager, health administrator, responsible physician and other health care and supervision staff who are relevant to the incident.

Notification of a Serious Illness or Death of Juvenile while in Custody

Notification will be made to the juvenile court, and the parent or guardian in the event of a suicide attempt, serious illness, injury or death of a juvenile in custody. (08-16-12)

### 6.4 Military Equipment Use

The San Diego Sheriff's Department shall obtain approval of the Board of Supervisors, by an ordinance adopting a Military Equipment Use Policy, prior to engaging in any of the following:

- Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
- 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.
- Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
- Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing board.
- Soliciting or responding to a proposal for, or entering into an agreement with, any person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- Acquiring military equipment through any means not mentioned above.

Military equipment and military equipment use policy are defined in Government Code sections 7070(c) and (d).

The Department's AB481 Military Equipment Use Policy must be posted on the Department's internet website where the public can access it. The Emergency Services Division Special Enforcement Detail (SED) Lieutenant is responsible for ensuring that the AB481 Military Equipment Use Policy is up to date and posted.

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The Board of Supervisors shall review any ordinance that it has adopted pursuant to Government Code section 7071, approving the funding, acquisition, or use of military equipment at least annually, and vote on whether to approve the ordinance at a regular meeting.

The SED Lieutenant, pursuant to Government Code Section 7072, shall submit to the Board of Supervisors an annual Military Equipment Use Report for each type of military equipment approved by the Board within one year of approval, and annually thereafter for as long as the equipment is available for use.

The Military Equipment Report shall include the following:

- A summary of how the military equipment was used and the purpose of its use.
- The quantity possessed for each type of military equipment. This should also include any equipment that may be purchased in the upcoming year.
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs. The source of funds for all costs should be identified.
- A summary of any complaints or concerns received concerning the military equipment.
- The results of any internal audits, any information about violations of the military equipment use policy and any actions taken in response.

The SED Lieutenant will be responsible for ensuring the AB481 Military Equipment Use Policy and Military Equipment Report is updated every calendar year as needed. The AB481 Military Equipment Use Policy must be posted on the Department's internet website at least thirty days prior to any public hearing concerning the military equipment at issue.

The Board of Supervisors shall determine based on the annual Military Equipment Report, whether each type of military equipment identified has complied with the standards for approval as set forth in section 7071(d).

If the Board of Supervisors determines that a type of military equipment, identified in the Military Equipment Report, has not complied with the standard for approval, they shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the AB481 Military Equipment Use Policy in a manner that will resolve the lack of compliance.

Within 30 days of submitting and publicly releasing this annual Military Equipment Report, the San Diego Sheriff's Department shall hold at least one well-publicized and conveniently located community engagement meeting, where the general public may discuss and ask questions regarding the annual Military Equipment Report, funding, acquisition or use of listed military equipment. The SED Lieutenant is responsible for coordinating the community engagement meeting.

The procurement or use of any new type of military equipment, not already in possession of the Department, or approved on the initial AB481 Military Equipment Use Policy or annual Military Equipment Report, will require the approval of the County Board of Supervisors as outlined in Section 7071(a)(1)(A)- 7071(a)(1)(G).

The SED Lieutenant, in collaboration with the Division of Inspectional Services, will conduct an annual inspection to ensure the Military Equipment Use Policy is followed and the items listed in the AB481 Military Equipment Report are utilized within policy and in accordance with applicable

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laws. Any violation of policy or law will be investigated accordingly and reported in the annual Military Equipment Report.

The public has the right to register complaints or concerns and submit questions about the use of each specific type of military equipment. These questions and complaints can be submitted in person at any Sheriff's facility, mailed or routed to the Sheriff Webmaster online.

General questions or concerns will be routed to the SED Lieutenant for response within 30 days. The SED Lieutenant shall track all inquiries and responses for inclusion in the Military Equipment Report. Formal complaints warranting further investigation will be routed to Internal Affairs for review and follow-up in accordance with statute and policy.

Department employees will receive applicable training on use of equipment detailed in this policy, including any course required by the Commission on Peace Officer Standards and Training (POST). A full list of required training for each type of military equipment can be located in the AB481 Military Equipment Use Policy. (05-12-22)

<b>6.5 UNUSUAL INCIDENT, DEATH AND SERIOUS INJURY NOTIFICATION</b>
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The Communications Center Watch Commander or their designee will notify the affected captain or station/facility commander of any unusual or major incidents in their command area which involve:

- Discharge of a firearm (except dispatching an animal for humanitarian reasons)
- Use of force resulting in serious injury or death
- Collisions resulting in serious injury, death, or major property damage
- Pursuits resulting in serious injury, death or major property damage
- In custody deaths
- Special Enforcement Detail activation (Code 11)
- Crisis Negotiation Team activation
- CARE, SILVER, or AMBER Alert activation
- Wildland or major fire event, mutual aid alert or mutual aid requests
- Department Operation Center (DOC) activation
- Search and Rescue or Dive Team activation
- Mobile Field Force/Platoon activation
- Riots or major disorders
- Escape by an inmate in Sheriff's custody (includes escapes from detention facilities, hospital, during transport and courts)
- Arrest of a Sheriff's employee or arrest of any law enforcement officer
- System failure or potential failure, (power outage, phone system, etc.), that significantly diminishes our ability to accomplish our mission
- Incidents that result in extensive media coverage
- Any other major incident which may be of interest to the affected captain or station/facility commander.

### **Unusual Incident, Death & Serious Injury Notification**

It shall be the primary responsibility of the affected captain or station/facility commander to ensure that the affected commander and/or the Assistant Sheriff and Undersheriff and/or Sheriff are notified in situations according to the following criteria.

The following incidents require immediate notification:

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All incidents involving Sheriff's personnel where serious injury (hospitalization) or death has occurred

Officer involved shootings resulting in injury or death

Use of force that results in serious injury or death

Activation of the Department Operation Center (DOC)

Major fires or disasters

Mutual aid alerts or requests not of a routine nature

Serious injuries or death to citizens caused by Sheriff's Department Personnel

The following incidents require notification, but can be made the following morning (0700 Hours):

Special Enforcement Detail activation (Code 11)

Crisis Negotiation Team activation

Arrest of a Sheriff's employee or arrest of any law enforcement officer

System failure or potential failure, (power outage, phone system, etc.), that significantly diminishes our ability to accomplish our mission

Incidents that result in extensive media coverage

Any other information that may be of interest to the Commander(s), Assistant Sheriff(s),

Undersheriff and/or Sheriff

The Communications Center Watch Commander will provide emergency contact information as well as the on-call Peer Support information to the affected captain or station/facility commander. The Communications Center Watch Commander WILL NOT make family notifications via the telephone unless so directed by the affected captain or station/facility commander. If such notifications need to be made, the affected captain or station/facility commander will arrange for the notification process.

With any notification, the affected captain or station/facility commander may direct the Communications Center Watch Commander to assist with any or all of the command notifications as deemed necessary.

### **Daily Information Reporting Procedure**

Each detention facility, station, substation, division or unit commander will designate a person within their command to be responsible for ensuring that any of the incidents mentioned under this section be forwarded to the Communications Center Watch Commander via the Communications Center general email account. If sufficient pertinent information is available at the time, this information will be forwarded by 0300 and may be included in the morning report. The Communications Center Watch Commander will be responsible for preparing and posting the morning report on the department's intranet site by 0500 hours. (02-25-20)

**6.6 MARIJUANA CITATION PROGRAM**

(Deleted on 12-16-17 due to California Proposition 64)

**6.7 EXPLOSIVES –  
BLASTING CAPS/HIGH  
EXPLOSIVES**

***Blasting Caps***

*Blasting caps are subject to accidental detonation from static electricity, radio frequency energy, extraneous electricity from high voltage power lines and lightning. Bomb/Arson personnel will meet field deputies at the scene of the found blasting caps. Blasting caps will not be transported in patrol vehicles.*

*In a static situation, Sheriff's units will not transmit within 300 feet of any known or suspected blasting caps until it has been ascertained by Bomb/Arson personnel that it is safe to do so. During dynamic events and other critical incidents where radio communication is essential, units should avoid transmitting near known or suspected blasting caps. Blasting caps will only be handled by certified Bomb/Arson Detectives.*

***High Explosives***

*High explosives can become unstable and dangerous with age and deterioration. These items will only be handled by members of the Bomb/Arson Unit or SED personnel who are trained and authorized to utilize explosives. (08-28-23)*

***Storage of Pyrotechnics and Black Powders***

*Consumer grade pyrotechnics (aka fireworks) can be temporarily stored at Sheriff's Patrol Stations in designated metal containers, pending transportation to the Sheriff's Bomb Range by a Bomb/Arson Detective. Any deputy placing pyrotechnics in temporary storage shall notify the Bomb/Arson Unit as soon as practical to arrange pickup.*

*Contact the Bomb/Arson Sergeant immediately when pyrotechnics larger than one inch in diameter, large commercial fireworks, or pyrotechnics that appear to be homemade are located. Do not touch or move large pyrotechnics. (04-18-2024)*

**6.8 FIRE/ARSON INVESTIGATIONS**

**Communications Center**

- Upon request, the Communications Center will dispatch a patrol unit to the scene.
- If the Bomb Arson Unit is requested by a fire agency, the Bomb Arson Supervisor will be notified immediately when:

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- Suspects are present
- Physical evidence of an incendiary device is located
- When, as a result of the fire, there has been loss of life or any fire related injuries; whether the victim was transported to a hospital or not
- The cause of the fire is suspicious in nature
- In all cases where there is an arrest for arson

### **Patrol**

- The field deputy should:
  - Contact the Fire Incident Commander to determine the extent of the scene.
  - Conduct a preliminary investigation to determine if a crime has been committed
  - Notify the Communications Center of any requests for a Sheriff's Bomb/Arson Detective and/or field supervisor
- Secure the crime scene, attempt to locate witnesses (including all Fire Department personnel on scene), and gather information for a crime report
- Ensure the gas and electric meters are not removed by San Diego Gas and Electric (SDG&E)
- Remain on scene to provide scene security until the conclusion of the Bomb/Arson Unit investigation
- If there is a death involved as a result of the fire, treat the scene as a major crime scene

### **Bomb/Arson Personnel**

- The Bomb/Arson Detective will:
  - Contact the Fire Incident Commander to determine the cause and origin of the fire. Take the lead investigator role in fire calls involving suspicious fires. If it is determined the fire is not a criminal act, the Fire Department investigator becomes the lead investigator. Bomb Arson Detectives may assist other agencies in determining the cause and origin when requested.
  - Coordinate with field and other investigative units.
- The Bomb/Arson Supervisor or designee will be the primary point of contact for media requests and will coordinate media releases with affected commands and the Media Relations Unit as necessary.

### **Vehicle Fires**

The responding patrol deputy will conduct a preliminary investigation and determine if a crime has been committed (Arson). The Bomb/Arson Unit should be notified on all vehicle fires which are deemed to be of a suspicious nature. If the vehicle is found to be reported stolen, a separate case number should be assigned. The recovery investigation will be assigned to the station auto theft detective. (04-18-2024)

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## **SECTION 6 Operations**



**6.9 BOMB  
THREATS/EXPLOSION  
PROCEDURES**

**Communications Center**

- *A deputy will be dispatched to every reported bomb threat.*
- *Notify the Bomb/Arson Supervisor or designee.*
- *If an explosive device is found and danger to the public is imminent, the Sheriff, Undersheriff and appropriate command staff shall be notified by the Communications Center Watch Commander, via the chain of command.*

**Patrol**

- *The deputy will advise the Communications Center of their arrival and consider turning off their radio(s). During static situations, do not use radios or phones within sight of a suspected device. During dynamic events, radio communication may be essential to deputy safety and successful resolution of the incident. Under these circumstances, deputies should avoid using radios unnecessarily within sight of a suspected device. Consult the on call Bomb Arson personnel for recommended safe distances.*
- *The first deputy on scene should contact the reporting party or the person in authority, such as a building manager or school principal, and determine if a search has been made.*
- *The deputy is an advisor only. Decisions regarding the safety of the property, employees and clientele must be made by the person of authority.*
- *If a search has not been conducted, the following suggestions would (generally) be appropriate.*

*The people familiar with the location are the best choice to search it.*

*If the threat indicated the bomb location, check there first.*

*If no bomb location was given, the following search priorities are recommended:*

*The exterior of the building*

*Public access areas (i.e., lobbies, restroom, phone booths, etc)*

*Stairwells and elevators*

*Closets, lockers and storage areas*

*The roof and basement*

*Any other public access area*

- *If a time of detonation was given, all public safety personnel shall evacuate the area as soon as possible. An evacuation area of 300 feet should be set at a minimum to start. The appropriate safe distance depends upon several environmental and device factors. Bomb*

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*Arson personnel should be consulted for evacuation distances when possible.*

### **Evacuation**

*The decision to evacuate the premises is generally made by the person of authority over that premises. If the deputy and/or the patrol supervisor feel that public safety requires it, they may order an evacuation.*

### **Termination of the Search**

*A search may be terminated when:*

- *The person of authority is satisfied the premises has been adequately searched*
- *The patrol supervisor so orders, or*
- *Bomb/Arson personnel so orders*

### **When a Suspected Device Is Located**

*The Bomb/Arson Supervisor or designee will be notified immediately.*

*With the exception of Bomb/Arson personnel, all persons, civilian and sworn, shall be evacuated.*

*Do not approach a suspected device.*

*Once evacuations have occurred, only Bomb/Arson personnel can release the scene.*

### **Procedure When Explosion Occurs**

*Secure the area and establish a perimeter. Do not touch debris, as there may be multiple devices. Hidden structural damage may have occurred, so exercise extreme caution when around or in portions of the structure.*

*Notify the Bomb/Arson Supervisor so detectives can search for additional devices and conduct a post-blast investigation.*

### **Reporting Procedures**

*In all instances of reported bomb threats or devices, a crime report will be completed by the responding deputy. Bomb threat cases may be handled by the station area detectives.*

*Reports will be forwarded to the Bomb/Arson Unit for review as soon as practical.*

### **Bomb/Arson Unit**

*A Bomb/Arson detective shall be dispatched to the scene of a suspected device. The Bomb/Arson Supervisor or designee will coordinate the response. (04-18-2024)*

<b>6.10 Fentanyl and Other Dangerous Substances</b>
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Controlling employee exposure to dangerous substances (e.g., fentanyl) includes establishing standard operating procedures (SOPs), employee training, and the use of personal protective

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equipment (PPE). The selection of proper PPE should be based on two factors: the potential level of exposure anticipated and the operational response function.

In general, the potential levels of exposure are:

1. Minimal: Suspected that dangerous substances may be present or are present in a small amount in secure packaging.
2. Moderate: Small amounts of dangerous substances are present which are unsecured or a moderate amount of dangerous substances regardless of packaging.
3. High: Large amounts of dangerous substances are present, regardless of packaging

However, in addition to the amount of dangerous substance present, selecting appropriate PPE must also be based on the operational response function (i.e., the activity that is being performed). Factors to consider include: the form of the dangerous substance (e.g., tablet versus powder), the likelihood that substance will become (or is) airborne, the reliability of information that the material is a dangerous substance, the expected proximity of the employee to the dangerous substance, the expected duration of exposure, and the level of handling /manipulation of the dangerous substance.

It is important to recognize that the exposure level can change and employees must continuously assess risk and adjust response accordingly. Also, there may be other hazards that would require even higher levels of PPE. At a minimum, employees shall wear nitrile gloves, and are recommended to wear a P100 mask, when encountering any level of exposure. For more detailed information about dealing with dangerous substance (including what PPE will be utilized), refer to the Special Investigations Division/Narcotics and Gangs Division Operations Manual. In addition, each Bureau/Facility/Unit is responsible for establishing decontamination/cleanup protocols for dangerous substances related to the incident.

If an employee is exposed to a dangerous substance which results in treatment at a medical facility, the Risk Management/Medical Liaison Unit and the Division of Inspectional Services shall be notified. (07-11-22)

### **6.11 TIP SHEETS**

Information received by members of this Department on matters under investigation or incidents being handled by other law enforcement or criminal justice agencies is to be recorded on Departmental forms (SO 70), the "Tip Sheet".

It is important to emphasize that the "Tip Sheet" is not limited to just criminal matters. This form has been designed to allow its use in all areas of this Department. It was not designed to replace a "Deputy's Report" and discretion should be exercised when deciding which form or procedure to utilize.

In order that a degree of accountability be maintained, a copy of the original "Tip Sheet" shall be made at the originating station/facility and filed in the "Deputy's Report" file in date order. (09-08-97) (Reviewed 4-11-2011)

**6.12**

**TRANSPORTING  
PRISONERS OF THE  
OPPOSITE SEX**

Prior to transporting any prisoner or patient of the opposite sex, the transporting personnel shall notify the Communications Center, by radio, of the destination, point of departure, and beginning mileage. Upon arrival at the destination, the transporting personnel will advise the Communications dispatcher of their arrival, as well as their ending mileage. *Each time mileage is provided the dispatcher will document the mileage in the CAD event and broadcast the time.* All of this data will be recorded by the Communications dispatcher and by the transporting personnel for future reference.

When unusual conditions exist or other circumstances indicate that legal problems or embarrassment may result from using the "Time and Mileage" Procedure, the transporting personnel will arrange for sworn personnel of the same sex to be in attendance.

In situations involving field arrests or emergency medical transportation, female sworn personnel are not required for apprehending or transporting female prisoners or patients. However, during normal working hours, female sworn personnel will be utilized to transport female County jail prisoners to the hospital for scheduled medical treatment.

Where female prisoners are transported during scheduled transportation trips (Patton, Frontera, etc.), at least one female sworn personnel will be in attendance, whenever practical and personnel assignments permit. Nothing in this policy will preclude a female prisoner from being transported "time and mileage" without female sworn personnel in attendance, in those cases where female sworn personnel are not available due to emergencies or critical workloads. (08-03-16)

**6.13 INMATE INTAKE  
FORM**

Law enforcement officers booking prisoners into a Sheriff's detention facility are required to complete the left-hand portion of the Inmate Intake Form (Form No. J-15).

The J-15 is a three-part form used to book prisoners charged with misdemeanors and felonies. The third (pink) copy is to be returned to the officer delivering the prisoner. Arresting deputies must be sure that the physical description on the Inmate Intake Form is the same as the description on the arrest report in order to avoid potential identification problems during court proceedings.

Jail intake deputies must be sure that the physical description on the Inmate Intake Form matches that of the inmate. The intake form is the initial identifier of the inmate in the detention facility and must be accurate.

**Probable Cause Determination**

Law enforcement officers booking prisoners into a Sheriff's detention facility are required to complete and sign a Declaration of Probable Cause. This form must accompany the booking slip. This form is NOT needed for warrant arrests. (06-01-98)

**6.14 ARRAIGNING  
PERSONS ARRESTED  
WITHOUT A WARRANT**

**Section 825 PC**

Department members' attention is called to Section 825 of the California Penal Code which reads as follows:

- "Time limit for appearance before magistrate".  
Under 825(a)(1) PC, "The defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays."
- Under 825(a)(2) PC, "When the 48 hours prescribed by paragraph (1) expire at a time when the court in which the magistrate is sitting is not in session, that time shall be extended to include the duration of the next regular court session on the judicial day immediately following. If the 48-hour period expires at a time when the court in which the magistrate is sitting is in session, the arraignment may take place at any time during that session. However, when the defendant's arrest occurs on a Wednesday after the conclusion of the day's court session, and if the Wednesday is not a court holiday, the defendant shall be taken before the magistrate not later than the following Friday, if the Friday is not a court holiday."
- Under 825(b) PC, "After the arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of the prisoner, visit the prisoner. Any officer having charge of the prisoner who willfully refuses or neglects to allow that attorney to visit the prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow the attorney to visit the prisoner when proper application is made, shall forfeit and pay to the party aggrieved the sum of five hundred dollars (\$500), to be recovered by action in any court of competent jurisdiction."

**Section 145 PC**

Department members' attention is also called to Section 145 of the California Penal Code which reads as follows:

"Delaying to take person arrested before a magistrate." "Every public officer or other person, having arrested any person upon a criminal charge, who willfully delays to take such person before a magistrate having jurisdiction, to take his examination, is guilty of a misdemeanor."  
(09-01-09) (Reviewed 4-11-2011)

**6.15 PERMISSIVE  
RELEASE OF  
MISDEMEANOR ARRESTS**

**Release with No Further Proceedings (647(f) P.C. - Drunk Only)**

A prisoner arrested for 647(f) P.C. - Drunk Only (not drugs) may be released per Section 849b(2) P.C. when the arresting agency does not desire prosecution.

**Release on Promise to Appear (853.6 P.C.)**

A misdemeanor prisoner shall not be released from custody on his/her written promise to appear when:

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- The safety of the prisoner, or the safety of others, may be jeopardized by the release.
- It is believed, for cause that the prisoner will not appear.
- The prisoner is arrested for a warrant, or there are holds or warrants against the prisoner.
- The arresting agency requests no jail O.R. or 849(b) (2) P.C. release, for cause. The request should be made on the jail intake slip.
- The prisoner refuses to sign the O.R. "Notice to Appear" form.
- The arrestee refuses or is unable to provide booking/O.R. information due to mental or emotional problems of intoxication.

### **Arresting Officer's Responsibilities**

The arresting officer shall complete the required information on the Notice to Appear Form (citation), as follows:

- Enter all available information, including vehicle information.
- The arresting officer may release a person arrested pursuant to Section 836 P.C., or a person whom he/she has taken into custody, pursuant to Section 847 of the Penal Code. The citation shall be marked "not booked."
- If the arresting officer desires that the arrested person be booked, he/she should do so in the normal manner without a field (citation) release.

### Fingerprint Requirement

When an arrestee can be positively identified, no immediate fingerprinting is required, however, the arrestee shall be given an SO-105 card containing the case number and the cite number. The arrestee shall be directed to report to one of the locations listed on the card for fingerprinting prior to appearing in court.

When an arrestee CANNOT be positively identified, fingerprints SHALL be taken in the field or at a station. THE SO-105 card will be given to the arrestee for presentation to the Court. If the arrestee is booked at a Detention Facility the SO-105 card is not applicable as fingerprinting will occur at time of booking.

### Traffic Citations

Persons cited or arrested for Misdemeanor Vehicle Code Violations will be subject to the same fingerprinting requirements as outlined above, except for violations of 12500 VC and 14601 VC (see below).

Persons cited under the following circumstances will be required to provide a right thumbprint on the reverse side of the citation:

- When the cited person's identity cannot be positively established, or
- When cited for a violation of 12500 VC or 14601 VC.

The authority to collect a thumbprint in cases of unconfirmed identity is found in 853.5 VC. In cases where identity cannot be reasonably established, immediate appearance / booking pursuant to 40302 VC may be necessary.

### Juveniles

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Juveniles arrested and issued misdemeanor citations, shall be transported to the station, printed on two cards, given a (MSF-1) card and released to a parent or responsible adult.

### Print Cards

All print cards will be attached to a copy of the Arrest Report/Juvenile Contact Report and forwarded to the Records & Identification Division Attn: Cal – ID Section. (12-17-15)

### **6.16 GUIDELINES FOR HANDLING LEGAL PAPERS**

Text deleted. Please see Section 6.124.

### **6.17 CHILD ABUSE POLICY**

The mission of the Sheriff's Child Abuse Unit is to conduct objective and thorough criminal investigations into allegations of child abuse in the communities serviced by the San Diego Sheriff's Department. The Child Abuse Unit conducts investigations utilizing solid investigative techniques and problem solving strategies in partnership with the communities we serve. The goal is to ensure the safety of abused children and the criminal prosecution of those who perpetrate crimes against children.

The Child Abuse Unit is responsible for receiving, reviewing and making assignment decisions regarding the investigative follow-up of all reported incidents of child abuse.

Whenever a deputy in the course of his/her duties receives information or is dispatched to investigate an incident of suspected child abuse, the deputy will perform the preliminary investigation. After analyzing the facts, the deputy will determine what type of child abuse is suspected. The identity of the reporting party shall be kept confidential from other involved persons pursuant to Penal Code section 11167(d)(1), and only disclosed among agencies receiving, investigating, and prosecuting mandated reports of child abuse.

#### **Definitions**

Child abuse incidents are classified according to the following criteria:

- Physical

A non-accidental injury inflicted upon a child by another person. The injury may be evidenced by readily discernible marks such as bruises, redness, swelling, burns or abrasions. However, some life-threatening injuries and evidence of long-term abuse may not be readily apparent. A medical examination may be necessary to identify certain types of injuries.

- Emotional

Emotional abuse occurs when a person causes or permits a child to undergo unjustifiable mental suffering. Children who are emotionally affected by exposure to incidents of domestic

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violence, or those subject to verbal assaults from adults would be two examples of the types of children who could suffer from emotional abuse.

- Sexual

There are two categories of sexual abuse:

- Sexual Assault

Lewd or lascivious acts willfully committed upon a child. Such acts must be committed with the intention of arousing, appealing to, or gratifying the lust, passions or sexual desires of the perpetrator or the child. These acts often involve touching of the genitalia, anus, or the breast area of the child or the perpetrator.

- Sexual Exploitation

Any person who knowingly assists, persuades, or coerces a child to engage in prostitution or pornography. This type of abuse can include the use of the internet, personal computers, mobile phones or other means in which child pornography is exchanged, distributed or stored. Many of these cases are investigated by the Internet Crimes Against Children (ICAC) Task Force.

- Neglect

The negligent treatment or maltreatment of a child by the person responsible for the child's welfare. There are three categories of child neglect.

- General Neglect

The failure of the person(s) having custody of the child to provide adequate food, clothing, shelter, medical care or supervision, but not to the extent that an immediate threat to the child's physical safety exists.

- Severe Neglect

Situations where the failure to provide care (by the person(s) responsible for the child) is so extreme that the child's health or safety is in immediate danger.

- Drug Endangered Children (DEC)

Drug Endangered Children (DEC) are often encountered in homes where illicit drugs are manufactured or stored. The most common example of "drug endangered" neglect are the children exposed to the chemicals associated with methamphetamine use.

### **Preliminary Patrol Response & Investigation**

The deputy will compile all available facts regarding the incident; including all the victim(s), offender(s), and other involved parties' information. The deputy will attempt to identify and collect any evidence including, but not limited to, photographs, clothing, weapons, instruments, etc.

While conducting preliminary interviews, deputies should be sensitive to the fact child abuse incidents can cause victims, witnesses, and their families to suffer significant emotional trauma. The deputy needs to determine where the incident occurred and which law enforcement agency

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## **SECTION 6 Operations**



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has jurisdiction at that location. In sexual abuse cases, the deputy should ascertain whether or not the molestation involved any sexual penetration or oral copulation. Also, the deputy must determine when the last incident occurred. If the last incident of sexual penetration or oral copulation occurred within 120 hours (5 days) of the report, the deputy shall contact the on-call Child Abuse Unit Sergeant to determine if a forensic examination by a doctor or a nurse trained in forensic examinations is necessary.

Deputies should try to avoid interviewing sexual abuse victims who are under 14 years of age unless the interview is necessary to determine if a crime occurred or to determine if an immediate forensic examination should be considered. The responding deputy should not interview the minor victim if the victim has already disclosed enough information to the reporting party for the deputy to assess the situation. In such cases, the deputy would document the statements of the reporting party and any witnesses to the incident rather than speaking directly with the victim. The purpose of this procedure is to protect the victim from having to repeatedly tell the story over and over to multiple people during the investigation.

Deputies should attempt to locate and collect any available evidence. Visible injuries should be photographed, if appropriate. In no case, should a deputy have the victim undress for the purpose of a forensic examination by the deputy.

It is unlawful for a deputy to request the victim of a sexual assault to submit to a polygraph examination (see penal code section 637.4). In addition, pursuant to penal code section 293(a), any employee of a law enforcement agency who personally receives a report from any person, alleging that the person making the report has been the victim of a sex offense, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record, pursuant to Government code section 6254. The deputy must provide the above advisement and document the response in the case report.

While at the scene of a child abuse incident, the deputy must also determine whether or not the child is in danger of continued abuse. If the deputy has probable cause to believe a child is in danger, the deputy does not need consent or a search warrant to enter a home in the State of California to investigate. Such exigency lasts only as long as the deputy is investigating the welfare of the children. If the deputy completes his/her investigation and exits the home, a search warrant is required to re-enter the home. If a deputy determines a child's physical or emotional safety is endangered, the child **WILL** be taken into protective custody pursuant to Welfare & Institutions Code section 300. Upon removing a child from the custody of a parent or guardian, a deputy may turn custody of the child over to a Child Welfare Services (C.W.S.) worker if available.

### Reporting Requirements

Sheriff's Department deputies and professional staff employees are mandated to report **ALL** incidents of suspected child abuse they become aware of during the course of their duties, regardless if the incident occurred outside our jurisdiction.

#### Deputies:

After completing the preliminary patrol investigation, the deputy will obtain a Sheriff's case number. A case report and an emergency referral Form (SS-8572) report will be completed in **ALL** cases of suspected child abuse. The deputy shall email or fax the emergency referral form (SS-8572) to CWS ([carcws.hhsa@sdcounty.ca.gov](mailto:carcws.hhsa@sdcounty.ca.gov)), shall call the CWS Hotline (888-242-5722) and shall email a copy of this form to the District Attorney's Office ([PC11166@sdcca.org](mailto:PC11166@sdcca.org)). If the deputy determines the facts support the allegation of a crime, the appropriate penal code section should be listed in the charges section of the case report. If the incident occurred in another jurisdiction a Courtesy Report will be completed. In cases where it is not certain if the facts

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support a criminal allegation, the deputy will complete a case report and enter the words “Child Abuse Incident” in the charges section of the case report.

If the deputy determines it is necessary to take a child (to include the child victim and/or any other at risk children living in the home) into protective custody pursuant to Welfare & Institutions Code section 300, the original incident will be documented with one Sheriff's case number. When any children are taken into protective custody, additional case numbers must be obtained for each child & the associated Juvenile Contact Report. Complete an Affidavit for Filing a Juvenile Court Petition for Dependency (300 W&I). Taking the child to Polinsky Children's Center also fulfills the Child Welfare Services cross reporting requirement; therefore, the (SS-8572) report is not required.

Child Welfare Services Notification:

- Cross-report to Child Welfare Services and the District Attorney's Office via:

CWS Email: [carcws.hhsa@sdcounty.ca.gov](mailto:carcws.hhsa@sdcounty.ca.gov)  
CWS Hotline: (888)242-5722  
DA Email: [pc11166@sdcca.org](mailto:pc11166@sdcca.org)  
CWS Fax: 858-694-5240

Drug Endangered Children (DEC) Incidents:

If the deputy determines the child falls under DEC guidelines, they shall notify the DEC Regional Offices during normal business hours:

North Region – (760) 535-2086  
North Central Region – (858) 750-0699  
Central Region (858) 344-1186  
East Region (619) 701-1856  
South Region (619) 892-2577

After hours DEC calls should be made to the LE Hotline: (888)242-5722

If DEC investigators respond, take custody of the child(ren), and transport to Polinsky Center, the children will be medically evaluated by the Polinsky Center staff pursuant to their DEC guidelines. If DEC investigators take custody of the child(ren), this also fulfills the Child Welfare Services cross reporting requirement; therefore, the (SS-8572) report is not required.

### **Professional Staff:**

Per Penal Code sections 11165.7, 11166 and 11167, all incidents or suspected incidents of child abuse and/or neglect that are observed by, or reported to, Professional Staff in their capacity as a Sheriff's Department employee or within the scope of that employment, shall be reported to any police, sheriff or county welfare department. This reporting must take place immediately or as soon as practically possible. If you call San Diego Child Welfare Services' (CWS) hotline and have to leave a message, be specific in your description of what you saw or heard. Your name, business address and telephone number must be included with your report; however, your identity is confidential and may only be disclosed to agencies receiving or investigating mandated reports. Your identity can not be disclosed to the Sheriff's Department as your employer, except with your consent or a court order.

A Suspected Child Abuse Report Form (SS-8572) must also be completed and forwarded to any police, sheriff or county welfare department. Complete all sections of the form to the best of your knowledge. Make and keep a copy of the form for your records. Calling the CWS hotline,

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completing the form, and submitting it to sworn member of the Sheriff's Department will fulfill your duties as a mandated reporter.

### Steps to Reporting:

1. Call the Child Welfare Services' 24-hour hotline at 858-560-2191, or any police or sheriff department (this call must take place immediately, or as soon as practically possible)
2. Complete the Suspected Child Abuse Reporting Form (SS-8572) and make a copy for your records
3. Within 36 hours of receiving the information, submit the Form (SS-8572) in person or via fax to any police, sheriff or county welfare department (i.e., San Diego's Child Welfare Services)

### Investigative Follow-up:

Any investigations involving a Courtesy Report for another agency will be forwarded to the agency where the incident occurred.

The case reports will be assigned to the appropriate investigative unit, based upon the following case criteria as determined by the Child Abuse Unit.

### Cases that are NOT investigated by the Child Abuse Unit:

- 314.1 P.C. Indecent Exposure
- 243.4 P.C. Sexual Battery – Victim 14 Years or Older
- 261.5 P.C. Unlawful Intercourse with Victim 14 Years or Older
- 647.6(a) P.C. Misdemeanor Molest/Annoying a Victim 14 Years or Older – No Skin to Skin Contact (Exceptions Based on Consultation)
- 288 (c)(1) P.C. Lewd and Lascivious Acts with Victim Over 14 Years, unless the suspect holds a position of trust over the victim (parent, teacher, pastor, etc.)
- 272 P.C. Contributing to the Delinquency of Minors
- 273a(b) P.C. Misdemeanor Physical Abuse Cases (evaluate the injuries for appropriate charges – misdemeanor injuries are described as bruising, visible marks or scratches / felony injuries are defined under California Penal Code Section 243(d) PC. Felony charges are also applicable in cases where the force used is likely to cause great bodily injury).
- 300 W&I Neglect Cases involving DEC allegations where children are taken into protective custody
- Courtesy reports for other agencies

The assigned investigator is responsible for investigative follow-up and eventual disposition of any evidence the case may contain. (09-06-19)

<b>6.18 AMBULANCE SERVICE</b>
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Ambulance service is no longer provided by the Sheriff.

### **6.19 ELDER AND DEPENDENT ADULT ABUSE**

All incidents of elder and dependent adult abuse occurring within the Sheriff's jurisdiction shall be reported to the Elder Abuse Unit. The Elder Abuse Unit is responsible for receiving, reviewing and assigning elder and dependent adult abuse referrals.

The legislature has declared crimes against elders and dependent adults deserve special consideration and protections. The interviewing of elder and dependent adult victims requires an understanding of the victim's mental condition, medical condition, and relationship with the suspect.

Elder and dependent adults are at significant risk for physical, emotional, financial and sexual abuse and neglect. Whenever a deputy receives information or is dispatched to investigate suspected elder or dependent adult abuse, the deputy will perform a preliminary investigation making every effort to interview the victim to determine the corpus of a particular crime.

The Penal Code defines an "elder" as any person who is 65 years of age or older. A "dependent adult" is defined as any person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. "Dependent adult" includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility. (Refer to Health and Safety Code sections 1250, 1250.2 and 1250.3)

Sheriff's personnel are mandated reporters and in every case of a reported suspected elder or dependent adult abuse or "self-neglect," must complete an SOC-341 Report of Suspected Elder/Adult Abuse form as required by law.

Additional critical procedural information is found in Section 44 of the Field Operations Manual.

All sexual assault allegations involving dependent or elder adults are to be handled in accordance to the case assignment criteria published by the Sexual Assault Unit. (01-04-21)

### **6.20 USE OF ASSET FORFEITURE FUNDS**

Asset seizure fund requests will be submitted by Departmental members in staff-work format to the Sheriff's Operational Planning Committee (SOPC), serving as the Department's Unfunded Needs Committee.

Approval for expenditure of funds for Community-based organizations must meet the following conditions:

- No more than \$25,000 of Federal Asset Forfeiture funds will be distributed to Community-based groups in a fiscal year, per the Guide to Equitable Sharing.
- \$10,000 maximum in a fiscal year per Community –based group, unless directed by the Sheriff.

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- Cash transfers are prohibited except to other law enforcement agencies. The Sheriff's Department, "may directly purchase supplies, equipment, and/or services for eligible community-based programs, or reimburse such programs for eligible expenditures with a valid, itemized receipt."
- Community-Based programs must meet eligibility guidelines as described in the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*, which include:
  - Being a 501 (c) (3) or (4) of the United States Revenue Code
  - Have a mission that is supportive of and is consistent with a law enforcement effort, policy and or initiative. (12-17-15)

### 6.21 AUTOMATION: DEPARTMENTAL SYSTEMS

This committee will submit recommendations directly to the Executive Management Team (E.M.T.). All data processing equipment will be distributed in compliance with the master automation plan or as determined by E.M.T. The Sheriff's system will be used for official business and its electronic files are property of the Sheriff.

The following procedures relating to office automation must be followed:

#### Acquisition

The acquisition of all automation equipment and systems shall be made in accordance with Departmental Policy and Procedure Section 6.68 relating to procurement of data processing equipment.

#### Utilization

- The utilization of all automation equipment and systems (including personally owned items) attached to the Sheriff's network shall be authorized in accordance with this policy.

The electronic mail system is intended to be used for County business. Information communicated through the electronic mail system shall conform to Department standards in the same manner as any other business memorandum.

Employees are generally prohibited from reading and accessing peer and supervisory employee's e-mail. In legitimate emergencies, third person access may be permitted with the account holders written permission, by the Data Services Division. If permission cannot be obtained, this can only be done with the written approval of the division/station/facility commander.

The Sheriff retains the right to review electronic records pursuant to legitimate criminal or administrative investigations.

The Data Services Division is permitted to enter an employee's account, when necessary, to effect repairs or enable maintenance to the system. In all cases, the account owner shall be notified of such access as soon as practical following the entry to the account. This does not preclude the delay of notification pending the completion of an investigation.

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- Ownership of application software, developed as a work product, shall remain with the Department and the County.
- Distribution of Departmental data processing equipment shall be determined by E.M.T., based upon recommendations from D.A.C.C. Movement of equipment between organizational units must first be approved by the affected Commander(s) or Director(s). For network maintenance and inventory management purposes, movement of all data processing equipment shall be coordinated with the Data Services Division.
- Operation of automation equipment shall be in accordance with operational guidelines published by the Data Services Division. (10-30-98) (Reviewed 4-11-2011)

### 6.22 VICTIM ASSISTANCE PROGRAM

#### Policy Section Only

### 6.23 RIDE-ALONG PROGRAM

#### Responsibility for Management of Program

The station or substation commander shall be responsible for the management and continuance of this program based upon guidelines contained in this policy. This responsibility may be delegated to subordinate personnel at the commander's discretion to ensure timely and coordinated implementation. A commander may temporarily suspend this program or limit the number of participants at his/her discretion when such action is deemed necessary to facilitate operational needs. The appropriate operations commander shall be notified of this action on a timely basis.

#### Deputy Sheriff Participants

All Deputy Sheriff participants shall be in an on-duty capacity. No Deputy Sheriff may voluntarily participate in this program during off-duty hours.

A Deputy Sheriff may participate by submitting a request to the station or substation commander. The responsibility for approval of the request may be designated to a subordinate supervisor. The request for a ride-along must be previously approved by the immediate supervisor of the deputy who should consider the resultant value of the ride to the Department and the fatigue factor of the ride-along deputy.

The approved request will be assigned to the appropriate shift sergeant, who is responsible for assigning each participant to a patrol unit, which should be operated by a Training Officer (TO). The TO should be responsible for the participant's patrol orientation, utilizing appropriate sections of the TO manual for reference.

A Deputy Sheriff shall wear the appropriate station uniform of the day and be expected to ride a full shift, unless prior arrangements have been made with the station or substation ride-along coordinator and the participant.

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### **Deputy Sheriff Detentions/Courts Participants**

A Deputy Sheriff Detentions/Courts may voluntarily participate in this program during off-duty hours by submitting a request to the station or substation commander. The responsibility for approval of the request may be designated to a subordinate supervisor. The request for a ride-along must be previously approved by the immediate supervisor of the Deputy Sheriff Detentions/Courts. The approved request will be assigned to the appropriate shift sergeant.

A Deputy Sheriff Detentions/Courts shall wear appropriate civilian clothing and shall not handle any firearm or drive the patrol vehicle other than in emergency situations when human life is in imminent or grave danger. A Deputy Sheriff Detentions/Courts participant shall not be armed during the ride-along, whether or not he/she possesses a valid CCW permit.

The exception to this rule may be a ride-along for Deputy Sheriff Detentions/Courts in the Det-2-LE hiring process.

### **Deputy Sheriff Detentions/Courts in Det-2-LE Hiring Process**

A Deputy Sheriff Detentions/Courts may (voluntarily) participate in the Det-2-LE ride-along program while on-duty. The Det-2-LE ride-along will be armed during this ride-along with their department issued firearm in a department approved holster. They will also wear their department issued ballistic vest under civilian clothing and be issued an 800 MHz radio from the ride-along patrol station. The Det-2-LE ride-along will carry and have readily available their department identification and flat badge so they can identify themselves if needed. The attire worn during the ride-along will not contain any law enforcement insignias or identifiers. The detentions ride-along deputy will only draw their department issued firearm for the sole purpose of self-defense, or defense of another, where the detentions ride-along deputy reasonably believes that the use of deadly force is necessary to defend the deputy or someone else from the imminent danger of suffering death or serious bodily injury.

### **Reserve Deputy, Explorer Deputy, Community Service Officer (CSO), Senior Volunteer, and Chaplain Participants**

The station or substation Reserve Liaison Sergeant, Explorer Advisor, CSO Supervisor, Senior Volunteer Coordinator, and Chaplaincy Program Coordinator shall coordinate the scheduling of participants with the station commander or designee.

A Reserve Deputy participant shall wear the appropriate station uniform of the day.

An Explorer deputy, CSO and senior volunteer participant shall wear the appropriate uniform. Further, Explorer Deputy, CSO, senior volunteer, and chaplain participants shall not handle any firearm during the ride-along tour or drive the patrol vehicle other than in emergency situations when a human life is in imminent or grave danger.

Reserve, Explorer Deputy, CSO and senior volunteer, and chaplain participants need not be assigned to a TO, but may be designated to any regularly assigned Deputy Sheriff.

### **Department Professional Staff Participants**

Professional staff should include but not be limited to the following classifications: Communications Center dispatchers, administrative assistants, and clerks who are currently employed by this Department.

Professional staff may participate in the ride-along program during off-duty hours by submitting a request to the station or substation commander. Responsibility for approval of this request may be designated to a subordinate supervisor. A request for a ride-along must be previously

## **San Diego County Sheriff' s Department – Procedure**

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approved by the employee's immediate supervisor who shall consider the value to the person and fatigue factor of the employee. Reasonable requests should be approved. Professional staff need not be assigned to a TO, but may be assigned to ride with any Deputy Sheriff on a regular shift.

Professional staff shall wear appropriate civilian clothing; he/she shall not be armed, handle any firearm or drive the patrol vehicle other than in emergency situations when human life is in imminent or grave danger.

### **Honorary Deputy Sheriff Participants**

An Honorary Deputy Sheriff (HDS) may participate in the ride-along program by requesting a ride-along from the appropriate station commander. The commander should then direct the appropriate shift sergeant to assign the HDS to a specific patrol unit. An HDS need not complete an entire shift, nor does he/she need to be assigned to a TO. An HDS may be assigned to any regular Deputy Sheriff at the discretion of the shift sergeant.

An HDS shall wear appropriate civilian clothing; he/she shall not be armed, handle any firearm or drive the patrol vehicle other than in emergency situations when human life is in imminent or grave danger.

### **Spouses of Deputy Sheriffs Assigned to Patrol Duty**

The spouse of a Deputy Sheriff assigned to patrol duty may participate in one patrol shift orientation ride by having a patrol deputy submit a request to the station or substation commander. Approval of such request should be based upon the deputy's degree of experience, proficiency, and other pertinent facts such as assigned shift, beat, etc. Such a request must be submitted at least three days prior to the selected date. An approved request should be forwarded to the appropriate shift sergeant for assignment.

### **Candidates for Political Office**

As indicated in the policy statement, it is intended that the Sheriff's Ride-Along Program be limited.

Candidates for political office may approach members of the Department for approval of a ride-along.

Participation in the ride-along program can be of benefit to both the candidate, as well as the Sheriff's Department.

Candidates for political office will be approved upon contact with, or notification of, the station or substation commander. However, members of the Department are reminded of the following prohibitions when dealing with political candidates in an on-duty situation.

- During the period of the ride-along, there will be no campaigning.
- The taking of photographs with the patrol vehicle, the deputy, or any other item depicting the Sheriff's Department is prohibited.
- Requests by the candidate for a visit to a specific location in order to be seen in a patrol vehicle for political purposes is prohibited. Likewise, participation in groups or gatherings for political purposes by either the candidate or the Deputy during the ride-along will not be

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permitted.

The ride-along program is a good opportunity to indoctrinate and inform the candidate of the problems we face and the crime and social problems that we encounter.

### **Other Non-Departmental Participants**

As stated in the policy statement, the Sheriff's Ride-Along Program be limited to Department personnel who can benefit from it.

Non-Department individuals as a class are excluded from the regular Ride-Along program. However, the station or substation commander may make special provisions for civic and community leaders, news media personnel, contract city officials and employees, law enforcement personnel from other agencies, CLERB members, relatives of Deputy Sheriffs for an orientation ride-along similar to that provided for spouses of Deputy Sheriffs, and other individuals that the station/substation commander considers to be appropriate candidates for a ride-along.

A request for participation received for this program should be personally approved by the station commander, predicated upon the purpose of the request and the benefit to this Department.

The approval of such a request may not be delegated to a subordinate supervisor. Any such ride-along approved shall comply with the general guidelines set forth in below.

### **General Guidelines for the Sheriff's Ride-Along Program**

A participant not employed by the County of San Diego shall be required to complete the necessary information and sign the Sheriff's Department Request for Participation and Waiver of Liability Ride-Along Form prior to the scheduled ride.

The completed form shall be retained at the station or substation for 30 days, after which it may be destroyed. In the event a participant receives a physical injury while participating in the Ride-Along Program, the waiver shall be submitted to the Personnel Division along with the proper reports.

A scheduled ride-along shall commence and terminate at the respective station.

No one shall be permitted to participate in this program if he/she arrives with the odor of alcohol on his/her breath or has taken a drug or medication, which might adversely affect his/her conduct or impair his/her judgment during the ride-along period.

A civilian participant should wear the following:

- Male - suit or slacks and dress shirt with a sports coat or sweater as appropriate
- Female - slacks or pantsuit for comfort

Any program participant is required to reflect a neat and clean appearance.

A participant is expected to pay for his/her meals and/or refreshments during the scheduled ride-along.

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A patrol deputy, with a ride-along participant who is not a Deputy Sheriff or Reserve Deputy Sheriff, and who is dispatched to a call which might reasonably be expected to place them in a hazardous situation, should leave the ride-along participant at a major street or intersection and advise the Communications Center of that location. The Communications Center should then dispatch an available unit to pick up the ride-along participant until the original deputy is clear and can be reunited with the participant.

A ride-along participant other than a Deputy Sheriff, or Reserve Deputy Sheriff, shall not enter a private residence with the patrol deputy unless the occupant has been informed of the ride-along participant's status and grants permission for such entry.

The shift sergeant may terminate a participant's ride-along if the sergeant deems such action justified, based on the participant's attitude or actions.

In such an event, the shift sergeant shall submit a timely report to the station or substation commander outlining the action taken and the justification for such action. (7-9-14)

<b>6.24 LAW ENFORCEMENT DATA BASE USE AND CRIMINAL RECORD DISSEMINATION</b>
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### **Agency CLETS Coordinator**

An Agency CLETS Coordinator (ACC) is the key person chosen by the Sheriff's Department to serve as the coordinator with the Department of Justice (DOJ) on matters pertaining to the use of CLETS, NCIC, NLETS, and the DOJ criminal justice data bases.

Responsibilities include:

Management of User Accounts

Maintenance and Storage of Confidential Admonishment Forms

Maintenance and Storage of DOJ mandated agreements, including Release of Information

A "Third Party Log" must be maintained for all Criminal History Information released to an outside agency that is not a CLETS Subscribing Agency

Ensuring the Third Party Release Log for CORI with regards to information released to other agencies is completed and accurate

Ensuring compliance with mandated state and federal auditing requirements

Oversee proper distribution of policy or data base change information

Ensuring compliance with CLETS, CJIS, NCIC and NLETS policies and regulations

Ensuring CLETS terminals, equipment and messages are secure from unauthorized access

Determine need for CLETS training and coordinating the training

Maintain CLETS/NCIC training records

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Annually requesting a complete list from Personnel Division of all sworn and professional staff including position titles in order to validate all CLETS system account access. The ACC additionally receives daily PeopleSoft emails for all new hires, transfers, retirements and terminations. These emails are used daily in order to activate, modify, review, disable and remove CLETS access.

### **Dissemination of Information**

Automated and paper copies of California Criminal History (CORI) released to outside agencies that are currently not a CLETS Subscribing Agency must be approved by the Agency CLETS Coordinator.

Original Criminal Offender Record information maintained in paper files shall not be reproduced outside of the Records & ID Division. Only personnel designated by the ACC, or authorized by the Sheriff, shall reproduce Criminal Offender Record Information.

### **Communications Division**

Details of state summary criminal history information may be received by an agency approved wireless device.

### **Records & ID Division**

The Sheriff's Records & ID Division shall disseminate criminal offender record information to any authorized person/agency upon the verification of a "right to know" and a "need to know" in keeping with DOJ PP&P 1.5.3.

All CLETS/NCIC/DMV/LOCAL/eARJIS information obtained from any automated files shall be retrieved using an audit trail which clearly links the request for the information to a valid criminal investigation.

Any CORI information released from the files of the Sheriff's Records & ID Division (copies of booking records), shall be recorded in the Division's electronic CORI release log.

### **Definitions**

- "Criminal Justice Agency" means a public agency or component thereof which performs a criminal justice activity as its principal function.
- "Authorized Person or Agency" means any person or agency authorized by court order, statute, or case law to receive criminal offender record information.
- "Criminal Offender Record Information (CORI)" means records and data compiled by criminal justice agencies for the purposes of identifying criminal offenders and of maintaining on each offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charge, sentencing, incarceration, rehabilitation, and release. Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings, or of any consequent proceedings related thereto. This includes local, state and national records.
- "Right to Know" means the right to obtain criminal offender record information pursuant to court order, statute, or decisional law.
- "Need to Know" means the necessity to obtain criminal offender record information, or any

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## **San Diego County Sheriff's Department – Procedure**

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computerized information, in order to execute official responsibilities.

"Official responsibilities" are those sanctioned by the Sheriff's Department pursuant to a criminal or administrative investigation.

### **Facility Responsibilities**

It is the responsibility of each Sheriff's Facility to:

Request mandated DOJ training for all new employees

Complete the SDLaw/eSUN SDFusion Request Form (COM-11) and the Confidential Admonishment Form (COM-10). (Training requests and completed forms will be submitted to the ACC)

Ensure that all CLETS users complete the Recertification Test and renew the Confidential Admonishment form upon request of the ACC

Disseminate training material, changes to policy and data base changes as provided by the ACC

Establish destruction procedures pursuant to FBI CJIS Security Policy 5.8.4 of all printed documents obtained from CLETS. Ensure printed documents obtained from CLETS are cross shredded on-site or locked in secure bins until shredded on-site by the contracted shredding company. An authorized employee must be designated to escort the documents to the on-site shredding location and witness the destruction process.

Ensure that Computer terminals that have access to CLETS are secure and cannot be viewed by the public or by any person not authorized to view CLETS information.

Provide training on the proper utilization of the "Route Field" to personnel upon request of the ACC.

Report any unauthorized inquiries through the chain of command for further investigation and discipline.

### **Automated System**

- The receipt of information from the California Law Enforcement Telecommunications System (CLETS) is restricted to law enforcement agencies pursuant to Government Code Section 15153, 15163, and 15165, and CLETS Policies and Procedures Section 1.4.7. These sections restrict the CLETS network to use for official law enforcement purposes and the official business of any public agency.
- Restricted information from this system includes DMV, CJIS, NCIC, and all other files accessed through CLETS.
- Employees shall not use any information contained within these databases for immigration enforcement purposes, except as authorized by the California Values Act as follows:
  - When investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, 8 U.S.C. 1326(a) that may be subject to the enhancement specified in 8 U.S.C. 1326(b), and that is detected during an unrelated law enforcement activity.
  - When responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through CLETS, where otherwise permitted by state law and Sheriff's Department policies.

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## **San Diego County Sheriff's Department – Procedure**

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### **SPOC**

The responsibility for the technical security of all automated systems shall rest with the Security Point of Contact (SPOC). The Sheriff's Department shall be furnished with regulations adopted by the Data Services Division to show that the computerized system is secure from unauthorized access, alteration, deletion or release.

### **Penalty**

- All authorized persons receiving Criminal Offender Record Information are reminded that subsequent disclosure is restricted by Sections 11140-11144 of the California Penal Code.
- Sections 11140-11144 of the California Penal Code make it a misdemeanor to release information to an unauthorized person.

### **502 PC**

- Section 502 of the California Penal Code makes it a felony to access any departmental computer files for personal use, or subsequent release to unauthorized persons.

### **Bail Bond Agencies**

Requests for information from a bail bondsperson should be referred to the Records and Identification Division of the San Diego Sheriff's Department. The information is to be used only for the apprehension of a person wanted in connection with the commission of a crime in accordance with 11105.6 of the California Penal Code.

### **Telephone Inquiries**

- As a security precaution, the proper Sheriff's Department identification code must be given when making telephone inquiries for computerized information.
- When the identification code word is changed by the Sheriff's Department, notification will be forwarded to all agencies that are authorized access to local record information and it is their responsibility to disseminate to their personnel.
- Within the Sheriff's Department, notification will be given to Station/Substation/Division/Unit Commanders who shall be responsible for dissemination to authorized personnel.
- Information from CLETS may be faxed from one secure location to another secure location. Both the agency faxing the information and the agency receiving the information are responsible for its security. (04-16-20)

<b>6.25 LICENSING HEARING OFFICERS</b>
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Upon denial of an application for any business, profession or occupation requiring a license or permit pursuant to Section 21.110 of the County's Uniform Licensing Procedure or the suspension or revocation of a license or permit issued pursuant to that ordinance, the Sheriff must notify the applicant or licensee of his/her right to appeal and shall provide the means and opportunity for such appeal.

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An alphabetic list of the Department's lieutenants has been compiled, and the assignments will be made in the order the names appear. A form letter of notification will be sent out under the name of the Assistant Sheriff, Law Enforcement Services. Each lieutenant appointed shall serve unless he/she has been involved in either the licensing or denial, suspension or revocation of that license, or unless excused upon the request of his/her commanding officer.

The hearing shall be scheduled by the License Division and conducted in accordance with the Uniform Licensing Procedure. The assigned hearing officer will be provided with the applicable documents, ordinances and instructions on which to base his/her decision. (10-30-98)

### **6.26 FEES FOR DOCUMENTS AND SERVICES**

The following general procedures are effective regarding payment for documents or services from applicants or other parties at the Sheriff's License Division, Records & Identification Division, Property and Evidence Unit, Crime Lab and any patrol station or substation:

Payment is required in advance. Debit cards may be used for payment at select Sheriff's locations. Cash, check, or money order is required of all others.

Applicants or other parties presenting themselves in person shall pay the required fee prior to receiving the requested service.

A request for documents or services, when received by mail, shall be answered by Department approved form letter, informing the requester of the required fee.

In addition to the established fee, a valid government issued photo identification will be required of all fingerprint applicants, as well as victims or other parties who wish to obtain copies of incident/traffic reports.

The Santee, San Marcos, Lemon Grove, Vista, Poway, Imperial Beach and North Coastal Stations shall handle requests for fingerprinting, as they have in the past, for school employees.

All Sheriff's stations and substations will release copies of reports in accordance with Department Policy and Procedure Section 7.3.

The Sheriff's Property and Evidence Unit may release photographs.

The Sheriff's Crime Lab may release reports in accordance with Crime Lab policies.

The Sheriff's Records & Identification Division will provide copies of a person's local criminal history providing the requester presents appropriate valid identification. (08-05-11)

### **6.27 APPLICATION FOR LICENSE AND PERMITS**

The License Division shall process applications for the following licenses and permits, in accordance with Local, State and Federal statutes:

Adult Entertainment Establishment

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Alarm Systems  
Amusement Establishment and Devices  
Amusement/Go-Cart Centers  
Bathhouses  
Bingo  
Carnivals  
Casino Parties  
Charitable Solicitations  
Concealed Weapons  
Entertainment Establishment License  
Entertainment Manager Registration  
Explosives  
Firearms, Sale of  
Fireworks  
Fortune Telling  
Junk, Automotive Wrecking, Non-Operating Vehicle Storage Yards  
Massage Establishment  
Medical Marijuana  
Off-premise Massage  
Outdoor Assemblages  
Outdoor Assemblage Managers  
Pawnbrokers/Second Hand Dealers  
Permanent Amusement Rides and Go-cart Centers  
Public Dance License  
Public Dance Manager Registration  
Security Alarm Systems Permit  
Shooting Ranges  
Solicitors  
    -License  
    -Identification Cards Swap Meets and Swap Lots  
Taxicabs  
    -Taxicab Driver  
Operator's License  
    -Driver's Identification Card  
(02-20-20)

<b>6.28 REPORTING MISSING, DAMAGED OR STOLEN COUNTY PROPERTY</b>
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When employees discover that an item of County property assigned to him/her is missing, damaged or stolen, the employee shall promptly submit a Form SO5, "Report of Missing, Stolen or Damaged Supply Item(s)" to the division/station/facility commander for review, action and/or recommendation. This form is sent to the Personnel Division to process for replacement of item(s). In those cases of carelessness, negligence or violations of existing policies, the employee at fault may be required to pay for the reissued equipment.

When reissuance or replacement of the following, or similar supplies, is to be made by Sheriff's Central Supply, it is necessary that Sheriff's Supply receive in return those item(s) to be replaced, if available, regardless of condition:

Flashlights, Cool Car Seats, Axes, Handcuffs, First Aid Kits, Ropes, Tool Boxes or Chests, Shovels and Helmets.

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If badges or identification items that are of a serialized, numbered or identifiable nature which could be used as false identification are involved, and they are not available for return, an explanation shall be made on Form SO5.

If an item is lost or stolen in Sheriff's jurisdiction, a Crime/Incident Report shall also be completed. The SO5 form and a copy of the approved Crime/Incident report shall be forwarded to the Personnel Division for review. If an item is lost or stolen in another jurisdiction that agencies Crime/Incident Report along with the SO5 form will be forwarded to the Personnel Division.

If the item lost or stolen is a Sheriff's sworn employee's badge, identification or firearm the employee shall notify the Communications Center, as soon as practical, so that an all agencies teletype can be transmitted. Reporting of a lost radio also requires contact with the Communications Center and Sheriff's Radio Shop as soon as possible to report a lost, stolen or recovered RCS registered radio. (10-31-13)

### **6.29 PROPERTY CONTROL SYSTEM**

#### **Property/Evidence Manager (Supervisor of Sheriff's Property/Evidence Unit)**

The Property/Evidence Manager is designated to assume custody of all narcotics, physical evidence and found property acquired by the Sheriff's Department. The Property/Evidence Manager is responsible for the accountability, preservation, safeguarding, and disposition of all property/evidence delivered to him/her.

Each Sheriff's facility commander shall have an evidence specialist or designate an evidence position, which shall ensure that all property/evidence is stored within a designated secure area of each facility to ensure accountability until transferred to the Sheriff's Property/Evidence Unit.

#### **Chain-of-Custody**

The Chain-of-Custody is the written record of all individuals who have maintained unbroken control/custody of property/evidence. The chain-of-custody begins when an item of property/evidence is collected, and is maintained until final disposition is made. The chain-of-custody assures continuous accountability. Each individual in the chain-of-custody is responsible for evidence under his/her control.

#### **Acquisition of Property/Evidence**

All property/evidence of any kind impounded or collected must be entered into the property control system using NetRMS. NetRMS will generate a Property and Evidence Report to accompany all evidence submissions. A Sheriff's case number will be obtained from the Communications Center. Under no circumstances should property/evidence be submitted using a citation number.

#### **Packaging of Property/Evidence**

All Sheriff's facility property/evidence processing areas should maintain a binder on Property and Evidence Packaging Procedures. Each item of property/evidence should be packaged individually with the sealing deputy's initials and sealing date on the seal. Each sealed package will have a completed Evidence label attached. Evidence labels are provided for this purpose. There are three types of evidence labels:



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- Evidence (includes controlled substances, property and evidence)
- Jewelry (includes costume jewelry)
- Currency/High Value (includes counterfeit and foreign)

Note: Items of property/evidence will not be permanently defaced by etching. Do not place evidence labels directly on items of property and evidence.

### Handling of Property/Evidence

Various types of property and evidence are handled in the following manner.

- Found Property

In accordance with California Civil Code Section 2080 et seq., the Sheriff's Department will retain found property for a minimum of 90 days. If the finder wishes to claim the property, it will be so noted on the Property/Evidence report. The finder will be advised the property may be claimed after 90 days if the owner cannot be located. If the reported value of the property is two hundred fifty dollars (\$250) or more and no owner appears and proves his or her ownership within 90 days, the Sheriff's department shall cause notice of the property to be published in a newspaper of general circulation. If after seven days, no owner appears, the property can be released to the finder, unless the property was found in the course of employment by an employee of any public agency, in which case the property will be sold at public auction. The Department of Purchasing and Contracting manages the disposition of the unclaimed found property through auction.

- Bulky Property/Evidence

When large, bulky narcotics or physical property/evidence is impounded during normal working hours, the Property/Evidence Unit will be notified for transportation. After normal working hours, the Communications Center should be contacted and the on-call property/evidence person requested.

- High Valued Items

All money, jewelry, narcotics, and other items of obvious high value (negotiable bonds, precious metals, etc.) shall be sealed in an evidence barrier/kapak bag and released to the Property/Evidence Manager or designee the next pick-up/delivery day for transfer to the Property/Evidence Unit. If an exception is made to this procedure, the facility commander or designee will attach a written authorization to the appropriate property/evidence report to hold the article at the facility.

- Safekeeping Property

In accordance with California Civil Code Section 2080.10, when the Sheriff's Department takes possession of personal property from an arrestee for temporary safekeeping, the arrestee will be provided a copy of the Safekeeping Notification and Release Form (EVID-7), once the form has been signed by both the arrestee from whom the property was taken as well as the deputy taking the property. This form notifies the arrestee his/her property must be claimed within 60 days or the property will be disposed of according to law. If the arrestee is in custody and is unable to retrieve the property within 60 days, or have an authorized person retrieve the property, the individual can request in writing the property be held by the Sheriff's Department. In such cases, the department will hold the property for not longer than 10 additional months from the date written notification is received. If the arrestee refuses to sign the Safekeeping Notification and Release Form the arresting deputy will note the reason.

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The original Safekeeping Notification and Release Form (EVID-7) should be attached to the property. Refer to Safekeeping Notification and Release Form (EVID-7) for instructions.

NOTE: For weapons confiscations per Penal Code Section 18250 follow procedures outlined in P&P Section 6.97. Do not use the Safekeeping Notification and Release Form (EVID-7). The PAT-29 Receipt and Notice of Confiscation and Weapons must be used.

- **Search Warrant Evidence**

In accordance with Penal Code Section 1536, all property taken on a warrant must be retained by the arresting deputy subject to the order of any court with jurisdiction over the committed offense. When property/evidence is seized pursuant to a search warrant, a Property/Evidence Report will be completed by the reporting deputy for each case where property/evidence is impounded. The fact that this was a search warrant must be noted on the Property/Evidence Report to include the search warrant number.

Refer to the following sections for specific handling and packaging of controlled substances, perishables and firearms.

- Narcotics Quality/Quantity Control
- Perishables Items of Evidence
- Firearms Safety

### **Releasing Property/Evidence**

The following procedures will be used to release property or evidence:

- **Court Order**

Whenever a Court Order is presented for the release of evidence, the Property/Evidence Manager or designee will be consulted to verify validity of the order and to verify all parties involved in the case are aware of the order, e.g. the assigned detective, District Attorney assigned, etc. When all parties agree to the release of the evidence, a copy will be kept on file in the Property/Evidence Unit with such appropriate annotations. The detective assigned to the case will forward a signed Property Release Receipt (EVID-3). If the detective is unavailable, the Property/Evidence Manager or designee may sign the Property Release Receipt in lieu of the detective and the evidence will be released.

- **Property Release Receipt**

Property will be released upon receipt of a Property Release Receipt (EVID-3) signed by the assigned detective or Detective Sergeant.

NOTE: In accordance with California Penal Code Section 1536, a court order is required to release or dispose of property/evidence seized pursuant to a search warrant.

- **Found Property**

In the case of found property claimed by the owner, the Sheriff's Facility or the Property/Evidence Manager or designee may authorize the release of the property to the owner. If no owner claims the property, the release of property to the finder per California Civil Code section 2080.3.

- **Court Evidence**

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It will be the responsibility of a subpoenaed deputy to arrange to obtain property/evidence for court.

- The subpoenaed deputy should notify the station evidence specialist or designated position in writing, listing the case number, and date and time the property/evidence is needed. If sufficient time is not available for the evidence specialist or designated position to obtain the property/evidence from the Property/Evidence Unit, it will be the deputy's responsibility to pick up the property/evidence from the Property/Evidence Unit.
- When property is turned over to the court, the deputy will obtain an Evidence Transfer Receipt (EVID-2) which will be given to the Facility evidence specialist/position in accordance with this section.

Valid picture identification for the Sheriff's employee is required at the time property/evidence is released.

Due to safety precautions, when releasing a firearm(s) to the legal owner, ammunition will not be released the same day.

### **Evidence Receipt Forms**

A receipt of all property/evidence will be obtained each time property/evidence is received or released.

Evidence Transfer Receipt Forms (EVID-2), Property/Evidence Reports, or the computerized Check-Out Release Form (620), will be used by the Property/Evidence Unit and other Sheriff's personnel for receipt or release of all property/evidence to Sheriff's Department personnel. A copy of the Evidence Transfer Receipt Form will be returned to the Sheriff's personnel from whom the property/evidence was received whenever the property/evidence was retained by the court.

### **Transfer of Property/Evidence**

Computerized Inventory Check Sheets will be used when property/evidence is transferred internally from property room to property room within the Sheriff's Department. These major collection points will have the Inventory Check Sheet prepared prior to the evidence pick up.

### **Disposition of Property/Evidence**

It is the detective's responsibility to attempt to locate and notify property owners. Generally, when property is seized as evidence or for safekeeping, a receipt will be left with the person it was taken from.

Evidence will be returned to its lawful owner, disposed of, retained for departmental use, or destroyed in a manner authorized by law. The statute of limitations for each particular offense shall be used as the guideline for the minimum time period evidence should be held. Prior to disposal there must be a Disposition of Property Forms (EVID-4) submitted to the Property and Evidence Unit. Evidence may be disposed of under the following circumstances:

- In any case rejected by the District Attorney and when there is no likelihood of refiling.
- When the underlying criminal case has been adjudicated and all appeals have been completed.
- When the evidence relates to untried cases in which the statute of limitations has expired. As the various statutes of limitations frequently change during legislative sessions, the specific statute must be reviewed before release, disposal or destruction of property.

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In the event that the release, disposal, or destruction of evidence does not fall within the provisions stated above, the following procedures should be followed:

On a quarterly basis, all property/evidence should be reviewed by the assigned detective to determine case disposition.

On an annual basis, the Property/Evidence Manager will send out requests for disposition to each command for detective review. Once reviewed, the assigned detective will either forward a disposition of property form or a retention form to the Property/Evidence Unit.

General guidelines for research and disposition are included in the Property/Evidence Unit's Policy and Procedures Manual as well as on the Sheriff's Intranet.

### **DNA Evidence**

In accordance with Penal Code Section 1417.9, the Sheriff's Department shall retain all DNA evidence connected to a criminal case for the period of time that any person remains incarcerated for the case. Evidence may be signed off for disposition if notification was made to person(s) incarcerated in connection with the case, any counsel of record, the public defender in the county of conviction, the district attorney in county of conviction, and the Attorney General unless the Sheriff's Department receives legal notification requiring the retention of the DNA evidence.

### **Departmental Retention/Use of Unclaimed Property**

In accordance with California Civil Codes Sections 2080.4 and 2080.6; the Sheriff may retain unclaimed property for departmental use when the property has value to the County. In such instances, the retention of the property must be approved via the Chain of Command through Bureau Commander and Chief Financial Officer. The Financial Services Division shall be contacted for the required forms to transfer the property to the Department's inventory and assign County asset tags.

### **Stolen or Embezzled Property**

In accordance with Penal Code sections 1407-1413, when property alleged to have been stolen or embezzled comes into the custody of the Sheriff's Department, the property shall be held until determination of ownership has been made by the Court. The Court should release stolen or embezzled property in cases where a complaint has been filed after notice to anyone claiming an interest in the property. Otherwise, property may be returned to the lawful owner but still only after notice is given to the person from whom the property was seized. If, after termination of any related prosecution or if no case has been filed, and the owner fails to claim the property and no one else has claimed it, the property may be delivered to the county for disposal.

- **Pawnshops**

Pending a criminal prosecution of the person who stole and/or pawned the property, the law enforcement officer has two ways he/she may proceed; place a hold upon or seize the property.

- **Placing a Hold**

In accordance with Business and Professions Code Section 21647(a), a law enforcement officer, upon developing probable cause to believe property may be stolen, "may" place a 90-day hold upon the property. B&P Code Section 21647(d) extends the 90-day hold period, if necessary. Whenever there are competing claims (i.e., between the theft victim and the pawnbroker), the parties must seek to resolve the matter between themselves or submit the issue before a judge.

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- Seizure

In accordance with California Business and Professions Code Section 21647(b), a law enforcement officer may seize the stolen property whenever required as a part of a criminal investigation, whether or not a hold has already been placed on it. When property is seized pursuant to Section 21647(b), a disposal of the property must be done under the terms of Financial Code Section 21206.8. Under the terms of this section stolen or embezzled property taken from a pawnbroker shall not be delivered to anyone else claiming ownership until after the pawnbroker is given notice by the officer of the owner's claim and the pawnbroker fails to make a claim on the property with 10 days of such notification (Fin. Code Section 21206.8(b)). Note: PC Section 1413(b) gives the pawnbroker 15 days (from the date of receipt of the notice) to respond to a notice of the owner's claim to the property.

- Hearing

In accordance with California Penal Code Section 1413(c), if the pawnbroker responds to the notice of the owner's claim to the property, a hearing will be held by the Sheriff's Property/Evidence Manager to determine ownership and subsequent release of property.

### Firearms

All firearms impounded by the Sheriff's Department will be forwarded to the Property and Evidence Unit for storage or disposition. These firearms will be entered into the Automated Firearms System (AFS) in accordance with Penal Code Sections 11108 & 11108.3. The Property/Evidence Armory Unit has the responsibility of entering crime, evidence, safekeeping and found firearms into Automated Firearms System. The Sheriff's Records Division has the responsibility of entering lost and stolen firearms into the Automated Firearms System.

- Release of Firearms

In accordance with California Penal Code 33850 through 33895 entire chapters, once the case detective has signed a Property Release Receipt (EVID-3) and the DOJ determines that the owner is eligible to possess the firearm in accordance with Penal Code Section 33855, the firearm(s) will be released to the owner by the Property/Evidence Armory Unit's staff.

- Disposition of Firearms

In accordance with California Penal Code Sections 18005© and 34005(b), all firearms acquired by this Department, from other police agencies or courts, which are ready for disposition, will be either retained for Departmental use, or disposed of according to state law.

- Firearms Retained for Departmental Use

In accordance with California Penal Code Section 34005(b), firearms that are approved by the Weapons Training Unit (WTU) command (or Supervisor) will be retained for official purposes and shall be transferred to the Weapons Training Unit (WTU). For each weapon retained, appropriate paperwork will be filed with the Financial Services Division to update the department's inventory.

The Weapons Training Unit (WTU) will be responsible for maintaining an inventory of all firearms retained for official use.

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- Firearms for Destruction
- In accordance with California Penal Code Section 18005 all other weapons obtained pursuant to Penal Code section 18000 shall be destroyed in the month of July, or sooner if necessary to conserve local resources, including space and security of those weapons, so that they can no longer be used as such weapons. The only exception, contingent on approval of the Undersheriff, will be firearms of genuine historic value or considered to be antique.
- Firearms Retained by the Department but No Longer Needed  
In accordance with California Penal Code Section 34005, weapons used for official purposes pursuant to this section shall be destroyed by the Department when no longer needed for use in carrying out its official duties.

### **Pickup of Property/Evidence from Sheriff's Facilities**

At least once each week, or more often if required or requested, property/evidence, blood, urine samples, and breath test sheets will be picked up from Sheriff's facilities collection points.

### **Inspections of Property/Evidence Storage Areas**

Unannounced inspections of the Property/Evidence Unit and Sheriff's facilities evidence storage areas will be conducted annually as directed by the Captain of the Communications Center. These spot inspections shall be conducted to determine that the property rooms are being maintained in a clean and orderly fashion; the Policy and Procedures Manual is being followed; property accountability and security procedures are in compliance; all property is being sent to the Property/Evidence Unit as soon as possible; and that the Property/Evidence Unit receives the necessary paperwork to dispose of property/evidence no longer having evidentiary value. A random comparison of the records with physical property should consume most of the time allocated to the conduct of spot inspections. Subsequent unannounced spot inspections shall examine different aspects of the property/evidence storage and accountability procedures.

The Division of Inspectional Services will conduct an inspection of the Property/Evidence Unit on an annual basis. This inspection will be scheduled with the manager of the Property/Evidence unit. The scope of the inspection will cover inventory controls and procedures in place to determine effectiveness and compliance with law and Department Policy. The inspection may include random sampling, internal control review, compliance checks, and other testing methods as determined to be necessary by the Division of Inspectional Services.

### **Access to Property/Evidence Storage Areas**

Only those persons authorized either by Sheriff's facility commanders or the Sheriff's Property/Evidence Unit Manager shall have access to areas used for storage of property/evidence. Controlled entry to property/evidence areas is necessary to ensure the integrity of the evidence and to protect the property.

### **Security of Narcotics & Drugs, High Value Items, and Firearms**

Narcotics and drugs shall be sealed in an evidence barrier/kapak bag and transported to the Property/Evidence Unit on the next property/evidence pickup day; the Property/Evidence Unit shall store such items in the secured narcotics vault.

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High value items, such as currency, precious metals, jewelry, gemstones and collectible coins or stamps, shall be sealed in kapak bags and transported to the Property/Evidence Unit on the next property/evidence pickup day; the Property/Evidence Unit shall store such items in the high valued room within the narcotics vault.

Firearms shall be transported to the Property/Evidence Unit on the next property/evidence pickup day; the Property/Evidence Unit shall store all firearms in a secured room or area located within the main warehouse and segregated from the other property/evidence.

### **Narcotics Control: Acceptance and Release**

#### **Acceptance System**

- Quality Control

Controlled substances may include, but are not limited to, narcotics, dangerous and prescription drugs. Any items integral to the use or storage of controlled substances, including drug implements, are known as drug paraphernalia.

Items of controlled substances are to be packaged separately from items of drug paraphernalia. Controlled substances and paraphernalia are to be packaged in sealed, tamperproof, protective evidence barrier/kapak polyethylene evidence bags. Exceptions to evidence barrier/kapak packaging apply to moist, undried marijuana and large items of paraphernalia.

Each item of evidence is to be initialed and dated by the Sheriff's employee who collected the evidence.

Each item should be adequately described on the Property/Evidence Report, with quantity and/or weight of each item submitted.

When submitting growing marijuana plants into evidence, the plants must be photographed, removed from containers, packaged in paper bags to promote drying, and be sealed with evidence tape. If the volume is excessive, the plants may be broken or bent to facilitate packaging. Wet marijuana must be dried prior to packaging. If drying facilities are not available contact the Property/Evidence Unit for assistance.

- Quantity Control

Narcotics and dangerous drug evidence in approximate quantities of 100 or less (capsules, Pills) shall be counted and weighed.

- Narcotic and dangerous drug container inspection system

All containers of narcotics and dangerous drugs should be inspected for tampering. This is a safeguard against the unauthorized removal of the evidence and the substitution of materials having similar appearance and weight. Exceptions to weighing a substance are permissible only when the substance is officially sealed in tamperproof protective packaging, such as evidence barrier/kapak bags which have been weighed, dated, and initialed by the person collecting the evidence.

#### **Analyzed Narcotic Reports**

- Narcotic Case Reports Needed for Court

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It will be the responsibility of a subpoenaed deputy to obtain the submitted evidence report for court. The initial arresting deputy shall complete a Property/Evidence Report Laboratory Service Request when submitting the evidence. Once the Sheriff's Crime Laboratory is served with a subpoena, the Property/Evidence Unit will transfer the evidence to the Sheriff's Crime Laboratory for analysis. Once analyzed, a report is provided to the deputy for the court appearance.

- Evidence Receipt Forms

A receipt of all narcotic evidence will be obtained each time the evidence is received or released. An Evidence Transfer Receipt Form EVID-2, Property/Evidence Form (EVID-1/EVID-1A), or the computerized Check-Out Release Form (620), will be used by the Property/Evidence Unit and other evidence specialists for receipt or release of all property/evidence to Sheriff's Department personnel.

- Court Retained Narcotics

When narcotics are turned over to the court, the deputy will obtain an Evidence Transfer Receipt EVID-2 which will be given to the facility evidence specialist in accordance with the Departmental Manual of Policies and Procedures.

### Perishable Items of Evidence

Biological samples other than liquid, blood and urine should not be refrigerated. The goal for DNA evidence is to have the items thoroughly air-dried then frozen for long term storage. Biological samples other than fluid, blood, urine should be packaged in paper packaging at room temperature storage until submitted to the Property/Evidence Unit. When the samples have been thoroughly air-dried the samples may be placed in freezer storage (depending on the item). Liquid, blood, and urine samples should be refrigerated prior to and after submission to the Property/Evidence Unit.

Perishable items of evidence requiring lab testing shall be submitted to the Property/Evidence Unit in a timely manner.

Evidence from sexual assault kits require detailed attention by the collecting Sheriff's employee prior to packaging for submission to the Property/Evidence Unit.

- Standard sexual assault kits and use instructions are provided by the Sheriff's Crime Laboratory and shall be utilized for all sexual assault victim and suspect evidence collection.
- All swabbings and slide smear preparations must be air dried after collection and prior to packaging.
- Whole blood and urine samples must be packaged separately from dried swabs, smears and hair samples to facilitate laboratory handling.
- Stained garments or bed clothes articles should be air dried and carefully packaged separately in individual paper bags to prevent contamination and so as not to alter stain locations (do not use plastic bags). If localized stains are noted on such items, a clean sheet of paper may be placed over the stain(s) prior to packaging to prevent stain transfers.

Blood stained objects or dried physiological materials from each case shall be air dried in a protected environment, individually packaged into paper bags or bundles, appropriately

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marked for identification and submitted as a case with properly completed laboratory service request forms. If the evidence to be submitted is incomplete or the appropriate standards are unavailable at time of submission, the Property/Evidence Unit will accept the evidence for protected storage for a period not to exceed seven (7) calendar days at which time, the evidence will be returned to the submitting facility for correction.

Note: Occasionally perishable food items are collected for DNA testing. Under most circumstances a photographic record will be submitted as evidence.

### **Firearm Safety**

The deputy submitting any firearm (handgun, rifle or shotgun), into evidence shall be responsible for rendering such firearm unloaded and safe prior to placing such firearm into the evidence locker or delivering it to an evidence specialist. It is intended that the weapon be rendered safe in a manner that makes its condition obvious and easy to check by others handling the weapon.

The following safety precautions shall be taken to ensure that firearms/BB pellet guns cannot be accidentally discharged:

- Ammunition will be removed from the firearm, marked for identification and packaged in a container outside of the firearm box. Magazines and clips will be removed from the firearm and packaged with the firearm. Magazines and clips requiring the use of a tool to remove them should remain in the firearm until an evidence specialist or firearm examiner can examine and remove them. Removal of any firearm part could affect the evidentiary value of the firearm.
- Cylinders and bolts shall be secured in an open position. Plastic flexible cuffs shall be used in securing the bolt or cylinder in an open position.
- Both a Caution Firearm's Rendered Safe By label and an Evidence label will be affixed to a wire tag and attached to each firearm submitted for storage.
- Firearms submitted for laboratory analysis or that contain biological material must be packaged in a firearm's box with a Caution Firearm's Rendered Safe By label and an Evidence label affixed to the box. In both instances, the Caution Firearm's Rendered Safe By label must be signed by the submitting deputy placing the firearm into evidence and witnessed by another deputy or sergeant. The label must include name, ARJIS and date, indicating that the firearm was rendered safe.
- Firearms submitted for IBIS (Integrated Ballistic Identification System) ONLY do not need to be packaged in a firearm window box.

When in doubt whether a firearm has been rendered safe a supervisor or another sworn person is to be consulted.

If a firearm cannot be rendered safe, during normal working hours the on-call firearm criminalist may be called to render the firearm safe. After normal working hours, the Communications Center should be contacted and the on-call firearm criminalist requested.

Care should be taken, when applicable, to preserve all physical evidence such as fingerprints, blood, and trace evidence when rendering a weapon safe.

These procedures apply to cases where patrol deputies collect and enter weapons into evidence. They do not apply to cases where crime scene personnel and homicide investigators are called to the scene. In those cases, weapons will be maintained and preserved in their "found" condition for evidentiary purposes.

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### Evidence Specialist Firearms Safety Training

The Sheriff's Weapons Training Unit shall conduct a firearms safety class for all personnel designated as evidence specialists and personnel assigned to the Property/Evidence Unit.

All employees presently assigned and those newly hired to handle evidence shall have an initial three hour class on firearms safety and a one hour refresher class once each year thereafter. (10-31-17)

<b>6.30 LABOR MANAGEMENT DISPUTES</b>
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When information is received concerning an existing or impending labor-management dispute, the Sheriff's Communications Center shall direct a deputy to the scene. The deputy should make an effort to obtain the following information and report it to the Communications Center:

- Name, business address and telephone number of employer.
- Name, address of union, union local number, affiliation and telephone number.
- Type or kind of business of employer.
- Total number of employees, number and occupation of employees involved in dispute.
- Nature of dispute.
- Date labor action was or is to be declared.
- Number and occupation of employees who will continue to work.
- Nature of trouble anticipated.
- Kind of labor action: sympathy, walkout, wildcat or lockout.
- Any additional factors which would aid in determining the number and type of law enforcement personnel required.

The Communications Center shall transmit all information to the affected captain or station/facility commander and the Criminal Intelligence Detail. If after hours, the affected captain or station/facility commander will be notified. The affected captain or station/facility commander will assess the information and make the decision on the need for additional notifications.

The captain or station/facility commander shall authorize any immediate assignment of personnel as may be necessary to properly police the labor-management dispute.

When assistance is needed at the scene of a labor-management dispute, the field lieutenant or patrol sergeant shall at their earliest convenience, radio or telephone the Communications Center which shall promptly advise the affected captain or station/facility commander and the Criminal Intelligence Detail of all such requests and current conditions.

The field lieutenant or patrol sergeant shall promptly prepare a report of all law enforcement incidents and activities occurring at the scene of the labor-management dispute, and notify the Communications Center at the completion of his/her tour of duty. (07-01-09)  
(Reviewed 4-11-2011)

### **6.31 COMMUNITY ORIENTED POLICING AND PROBLEM SOLVING**

Station/division commanders will be responsible for working with their staff, community and/or other identified "stake holders", to develop the most effective strategies for collaborative efforts in dealing with problems/issues of mutual interest.

#### **Training**

- All law enforcement personnel should be familiar with the COPPS philosophy. Initial training is provided through a combination of academy and/or field phase training.
- Captains and lieutenants shall receive additional training, to be determined, in the unique issues related to the leadership, management and evaluation of COPPS personnel and functions.
- COPPS team deputies, COPPS supervisors, Training Officers, and other personnel to be determined by their respective station/division commanders, shall receive additional COPPS training when it is available.
- Station/division commanders, COPPS team deputies and Training Division personnel shall work together to make relevant training available to appropriate community and outside agency representatives.

#### **Evaluation**

- Station/division commanders shall regularly evaluate, and modify as necessary, their strategies for optimum effectiveness.
- The effectiveness of such strategies may be determined by crime analysis, community surveys, public forums, or other methods utilizing objective and/or subjective measures. (10-01-08) (Reviewed 4-11-2011)

### **6.32 PERSONS WITH MENTAL ILLNESS**

Upon determining an individual requires an evaluation for a 72-hour hold, pursuant to 5150 of the Welfare and Institutions Code; appropriate documentation is required following the NetRMS reporting procedure. A copy of the Application for 72-Hour Detention for Evaluation and Treatment form shall be attached to the report electronically.

Both the arrest report and the Application for 72-Hour Detention for Evaluation and Treatment form (DHCS 1801) should contain information under which the person was brought to the deputy's attention, the reasons for the 72-Hour hold evaluation and the final disposition including what mental health facility the subject was released to.

Upon detainment of a subject for transportation to the Emergency Psychiatric Unit (EPU), formerly known as County Mental Health, or any other LPS designated facility, the deputy must, when possible, read the detainment advisement on the DHCS 1801 form (per 5157 W&I).

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When detaining a minor for a 72-hour hold evaluation, the deputy shall endeavor as soon as possible to notify an adult family member of the subject's confinement. When detaining an adult for a 72-hour hold evaluation, the deputy shall endeavor as soon as possible to notify an adult family member of the subject's confinement, only after obtaining verbal consent from the subject being detained.

### **Mobile Crisis Response Team (MCRT)**

MCRT Clinicians are a resource available to deputies and provide non-law enforcement, in-person crisis intervention to minors & adults. See Policy 52 of the Field Operations Manual for further details.

### **Transportation of Persons with Mental Illness**

Whenever a person is transported via ambulance for a 72-hour hold evaluation, a deputy shall accompany the subject in the ambulance to the facility or trail behind the ambulance (depending on the behavior of the subject) to ensure proper delivery of the subject and the Application for 72-Hour Detention for Evaluation and Treatment form (DHCS 1801) to qualified medical personnel at the Emergency Psychiatric Unit (EPU), or other LPS designated facility. Paramedic staff is not qualified to receive or accept the 72-hour hold form (DHCS 1801).

### **Special Circumstances**

When a subject has been arrested for a crime and the arresting deputy determines a 72-hour hold evaluation is needed, detention facilities require Emergency Psychiatric Unit (EPU) staff assess the arrestee prior to being booked. Evaluation at any other mental health facility will not be adequate as detention facilities cannot follow orders written outside of the EPU.

If the arrestee needs to be seen for a medical ailment in addition to the 72-hour hold evaluation, the deputy should first seek medical treatment at a medical facility and then transport to the EPU for evaluation prior to booking into the detention facilities.

### **Voluntary Evaluations**

When a deputy responds to a call where a subject's actions do not constitute their being taken into custody for a 72-hour hold evaluation, the deputy may provide transportation for the subject to the Emergency Psychiatric Unit, (EPU), or any other designated facility for a voluntary evaluation.

If this courtesy service is requested, the deputy transporting the subject for a voluntary evaluation shall upon his arrival, secure all weapons before entering the facility.

The deputy shall escort the subject inside the facility and immediately notify the receiving clerk or in-take personnel that the individual is requesting a voluntary evaluation. The subject can discontinue the courtesy transportation at any time. The deputy may remain with the subject to provide pertinent information to the physician or his designee regarding the issues leading up to and including the request for a voluntary evaluation.

The deputy shall not complete an Application for 72-Hour Detention for Evaluation and Treatment form unless a change in circumstances later warrants the 72-hour evaluation pursuant to 5150 of the Welfare and Institutions Code.

Procedures for documenting the deputy's initial call for service and/or actions taken by law enforcement personnel will be in compliance with established log entry procedures. If a deputy determines the individual does not meet 5150 W&I criteria for a hold, but the individual is

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interested in voluntarily seeking treatment, the deputy's transport shall be documented in a miscellaneous incident report or an arrest/juvenile contact report.

### **Suicide Attempts**

In every instance of an attempted suicide, an Application for 72-Hour Detention for Evaluation and Treatment form shall be completed. If the individual is already transported to the hospital, the 72-Hour Detention form shall be taken to the hospital and given to qualified medical staff.

### **Weapons Considerations**

Per Welfare and Institutions Code 8102, whenever a person, who has been detained or apprehended for examination of his or her mental condition is found to own, have in his or her possession or under his or her control, any firearm, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. If, after determining an individual within Sheriff's jurisdiction meets criteria for a 5150 W&I hold, Mobile Crisis Response Team (MCRT) staff requests deputy assistance with the confiscation of a firearm or other deadly weapon, a deputy shall respond to assist with the confiscation of the weapon(s). The arresting deputy shall notify the person of the procedure for the return of any firearm or other deadly weapon which has been confiscated. Deputies must keep in mind current search and seizure considerations for confiscating weapons. (04-18-2024)

## **6.33 MAJOR CRIMES, PRIMARY RESPONDERS**

### ***Primary Responders***

*The first deputy(s) on the scene shall, at a minimum, perform the tasks listed below. It may be necessary to obtain additional personnel to accomplish these duties:*

- *Ensure Human Safety*
  - Call for medical aid, if necessary.*
  - Administer first aid.*
  - Prevent risk to emergency responders and the public.*
- *Apprehend the suspect.*
- *Separate Shooters in Shooting Incidents*
  - All shooters involved in a crime scene incident shall be separated and segregated as soon as practical. It is of paramount importance that the integrity of the investigation is not compromised with respect to obtaining clear statements from deputies involved in a shooting situation.*
- *Establish a perimeter around the entire crime scene that is large enough to envelop and protect all evidence. Establish security by posting perimeter guards, or by physical barriers such as crime scene tape.*
- *Preserve physical evidence*

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*Evidence should not be unnecessarily moved or altered. Occasionally, conditions may exist that demand physical covering or movement of items of evidence.*

*Any tampering with the crime scene must be for justifiable cause.*

*Once legal control of the crime scene has been achieved, consider leaving a deputy inside to retain control and safeguard evidence. After ensuring there are no remaining hazards to personnel, conduct NO further search activities.*

*Restrict access to the crime scene.*

*Remove all persons, as practicable, from within the scene.*

*Remain outside the crime scene to the greatest extent possible.*

*Restrict all unauthorized persons from entering the scene.*

- *Identify all persons who entered the scene for later entry on an official witness list.*
- *Make necessary notifications.  
Notification of follow-up investigations can be made personally or through the Communications Center. It may be necessary to provide a verbal summary of the incident so the investigative supervisor can determine necessary resources.  
Request the Communications Center notify the chain of command as appropriate.*
- *Identify and interview victims and witnesses.*

*Separate victims and witnesses from one another as appropriate.*

*Obtain detailed statements from available victims and witnesses.*

*Attempt to locate and obtain statements from additional victims and witnesses.*

*Accompany victims to the hospital, if necessary.*

- *Identify suspects.*

*Detain suspects as appropriate.*

*Do not routinely inform suspects of their Miranda rights.*

*Do not question suspects in violation of Miranda.*

*Attempt to identify suspects at large.*

*Obtain as much information as possible about the suspects.*

*Broadcast a "B.O.L." for suspects as appropriate.*

*Ensure all suspects are accompanied by sworn personnel to the hospital to protect evidence and prevent escape.*

- *Remain alert for spontaneous statements made by suspects. If statements are made, inform investigators of such statements and thoroughly document all statements on an official report form.*
  - *Prepare official reports.*

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*The field supervisor shall designate a deputy to complete a Crime/Incident Report.*

*Additional reports shall be prepared at the discretion of the investigative supervisor.*

*Generally, any deputy who entered the crime scene, or who became involved with the incident, shall be required to prepare a report documenting related activities.*

*Investigators may, at the discretion of their supervisor, conduct tape recorded interviews of deputies that will result in formal, verbatim, documentation of the deputies activities. In that event, deputies may not be required to prepare written reports.*

*Unless otherwise directed, reports are due in final form prior to the end of shift. (09-15-98)  
(Reviewed 4-11-2011)*

### **6.34 ESTABLISHING TOWING SERVICES**

#### **Establishment of the Tow Rotation List**

Tow service operators who wish to provide services for the Sheriff's Department will submit accurately completed and signed tow service applications to the LES Operations Support Lieutenant, who will review the applications and forward to County of San Diego's Department of Purchasing and Contracting.

- Upon approval of the selection or addition of tow operators, the Sheriff or designee shall develop a rotation list of the tow operators authorized to provide service. The tow rotation list shall be forwarded to the Communications Center and the LES Operations Support Lieutenant.
- Calls for towing services will be distributed among tow operators. For each towing request, the operator on the top of the list shall be called. The operator shall then be moved to the bottom of the list.
- When the tow company at the top of the list does not have the resources necessary to clear a hazard as expeditiously as possible, the Communication Center dispatcher shall contact the next tow company on the list.

Requests for specific tow companies or for services provided pursuant to memberships in clubs or associations will be honored and not be considered tows subject to rotation.

When a hazardous situation exists and it is not practical to honor a specific request, the nearest available contracted tow service may be called.

#### **Administration of the Tow Service Agreement**

The LES Operations Support Lieutenant will serve as the tow administrator and the technical representative and liaison for the tow operators and station commanders.

The station commander or designee shall be responsible for notifying the LES Operations Support Lieutenant of violations of the tow service agreement. The LES Operations Support Lieutenant is responsible for all disciplinary action taken against a tow operator and will advise station commanders when action is taken.

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The LES Operations Support Lieutenant will ensure the Communications Center is advised of any change in a rotation status.

### **Towing County Equipment**

When County equipment is to be towed, the County garage will be called during normal business hours. When the garage is closed, the tow company with the current contract for towing County vehicles will be called. (05-12-22)

### **6.35 PRIVATE AIRPLANE FLIGHTS**

#### **Policy Statement Only**

### **6.36 IMPOUNDED/STORED VEHICLE REPORTING**

Notification on vehicles impounded per Section 14602.6 C.V.C. shall be sent to the legal owner by certified mail, return receipt requested, within two (2) working days of impoundment. This requirement may be waived if the legal owner was present at the impound and is aware of the vehicle's location.

The station or substation auto theft investigator, or designee, will be responsible for this notification.

In cases where the legal or registered owner cannot be determined within 120 hours of the storage, the station/substation auto theft detective will mail a report of the storage, as outlined above, to the Department of Justice with a copy sent to the tow yard (per Section 22852 and 22853 C.V.C.).

#### **Reporting Officer**

When a vehicle is removed from the site of an arrest, information relating to the disposition of the vehicle shall be recorded by the arresting deputy on the jail booking slip (Inmate Intake Form) under the "Remarks" section. This information should indicate where the vehicle is stored or where the vehicle was left, if the arrestee did not want the vehicle stored, as well as any "Hold" information. The arresting deputy will also notify the Records Division of all stored and impounded vehicles for entry into the CLETS system.

In all cases where a motor vehicle is stolen or embezzled and/or impounded, stored, recovered, or is released, the reporting deputy will submit a Vehicle Report (ARJIS-11) checking the appropriate boxes signifying a stolen, impounded, stored, embezzled, recovered, or released vehicle, or a combination thereof. If the vehicle report concerns a stored, stolen, impounded, or recovered vehicle, the reporting deputy shall as soon as practical, supply Records Division with sufficient information to facilitate entry or removal of vehicle information into, or from, the Stolen Vehicle System (SVS), and to send the necessary Notice of Locate and a follow-up administrative teletype to the originating agency. This information shall include the following:

- Name of originating agency, their case number, and phone number.
- Make, year, VIN (ID) number, license number of vehicle.
- Where vehicle is parked or stored.



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- Names of suspects in custody, if any - adult or juvenile.
- Vehicle condition, particularly whether or not drivable.
- Missing plates, if any.
- Deputy's name and unit number.

In the upper right corner of the ARJIS-11 Form, the reporting deputy will enter the Sheriff's Department case number followed by the appropriate station letter designation indicating the area of occurrence, not the area where the report was taken. It will not be necessary to indicate whether the vehicle is in or out of SVS or whether the owner has been notified unless the reporting deputy knows the information to be fact.

In all cases where a stolen or embezzled and/or impounded, stored, or recovered vehicle is called in to Records Division, and a case number is given, a report must follow whether or not the reporting deputy is later notified that the incident was unfounded or that the vehicle was repossessed. The reporting deputy should make the appropriate notation on the report and forward to Records Division so the case can be closed.

In all cases where a vehicle is stored or impounded, any occupants not placed in custody will fall under the provisions of P&P 6.78 (Stranded Motorist Assistance). The reporting deputy will confirm that they either need no assistance or will see them to a place of safety.

### **Records Division**

When Records Division is notified by a deputy that a stolen vehicle report has been taken, or a vehicle has been recovered, or impounded/stored, the person taking the call will be given sufficient information to enter the vehicle into, or remove it from, SVS. All SVS entries shall be made as soon as practical. A copy of the SVS entry shall be forwarded to the auto theft investigator at the station where the report originated via County messenger mail.

In the case of a recovered outside agency stolen vehicle, Records Division shall immediately send the Notice of Locate and a follow-up administrative teletype to the originating agency giving additional details concerning the recovery. Copies of these messages shall be forwarded to the auto theft investigator or designated person at the station where the report originated via messenger mail.

### **Auto Theft Investigator**

The auto theft investigator or designated person will review every vehicle report to determine that Records Division was notified. If such notification was not made, the auto theft investigator or designee will do so immediately. The investigator, or designee, will then record each vehicle report on the standard Monthly Auto Theft Log, and send written notification to the registered and legal owners and the storage yard where the vehicle is located, per California Vehicle Code Section 22852. In the case of an outside stolen vehicle recovery, an additional copy of the report shall be mailed to the originating agency. Prior to filing the report, a notation will be made on the report indicating to whom notifications were made, when, and by whom (e.g., written notice to SDPD, R/O, L/O, tow company).

### **Release of Vehicle "Holds"**

Vehicles impounded as evidence and/or with a hold will be released only per authority of the traffic deputy or other investigator requesting/placing or directing another to place the hold. It shall be the responsibility of this deputy/investigator to notify the tow company, and the legal owner that the vehicle is no longer needed as evidence. Release of holds initiated by patrol deputies will be the responsibility of the auto theft investigator assigned to the same station.

### **Notification shall be made**

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- In writing, by the deputy/investigator who will mail a "Notice of Stored Vehicle" to the vehicle owner. The face of this form shall be boldly marked "Hold Released On" (Date). Vehicle ready for pick up.

A copy of this form shall be forwarded to the auto theft investigator at the station responsible for the location of the initial tow or impound.

- By telephone, by the deputy/investigator, if possible. The phone notification will provide the information which should be recorded as follows on the form: Phone Notification: yes (check if yes). Attempted (check if attempted). Date (of notification or attempt)." (08-28-18)

### 6.37 TOWING POLICY

The removal of any vehicle during or after an arrest shall only be authorized in the following situations:

A vehicle may be towed when a deputy arrests any person driving or in control of a vehicle for an alleged offense and the deputy is required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

A vehicle may be stored pursuant to C.V.C. Section 22651(p) when a peace officer issues the driver of a vehicle a notice to appear for a violation of C.V.C Section 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5 or 14604, and the vehicle has not been impounded pursuant to Section 22655.5. However, if a licensed/registered owner of the vehicle appears to claim the vehicle, the vehicle must be released to the owner.

Section 22651(p) is the least intrusive storage/impound authority and in most cases should be the first authority considered.

A vehicle may be towed when the vehicle is evidentiary in nature and is being held as such. Common sense should dictate the need to tow a vehicle based upon the severity of the accident or incident as necessary to preserve evidence.

Nothing in this section condones or allows a deputy to create a "stranded motorist" as a result of a tow.  
(Refer to P&P 6.78.)

Discretion should always be used when deciding whether to tow a vehicle or release it to a licensed, authorized agent of the driver. The fact that one of the first THREE conditions listed above is met, does not imply that a tow is mandatory.

#### **Abandoned or Illegally Parked Vehicles**

In those instances where a vehicle is abandoned or illegally parked, those applicable sections of 22651 or 22669(d) VC may be utilized to provide legal authorization for the vehicle's removal.

The decision to tow/store a vehicle found to be in violation of the enumerated parking laws, or is determined to be abandoned, will depend upon the area of the county in which it is located (i.e., unincorporated, contract city).

#### **Unincorporated Area**

When a citizen reports that a vehicle is either (1) abandoned, or (2) has been parked or left standing more than 72 hours on a public highway, the Communications Center will run a "10-29"

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on the license number, if available. Unless the vehicle has been reported stolen or is wanted in connection with a crime, or there appears to be some reason why the vehicle should first be checked, the caller will be referred to the California Highway Patrol.

While the responsibility in the unincorporated areas rests with the California Highway Patrol, Deputies or Community Service Officers may authorize the removal of vehicles in violation of 22651 or 22669(d) VC.

### **Contract Cities**

Deputies locating a vehicle which has been abandoned or illegally parked on a public highway located within a contract city, shall be authorized to direct the impounding of the vehicle if it meets the criteria established in 22651 or 22669(d) VC.

### **County Property**

Vehicles located on County property within an incorporated city which appear to have been abandoned or illegally parked may be impounded and stored or cited according to Section 73.104 County Regulatory Ordinances.

### **Post-Seizure Hearing**

After any vehicle is towed and/or stored, a Post Seizure Hearing is available to the owner of the vehicle at their request. Reference Departmental Policy and Procedure Section 6.60 "Post-Seizure Hearing." (08-28-18)

<b>6.38 SPECIAL ENFORCEMENT DETAIL (S.E.D.)</b>
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### **Services Provided**

Chemical Agents: Refer to P&P Section 6.66.

Crowd Control: Includes situations when gatherings of large groups of people are anticipated and the potential for civil unrest exists.

Detention Facility Support: SED personnel may be requested to assist with critical incidents within detention facilities and for incidents involving escaped inmates. SED may also be used to assist in the transport of high-risk inmates to and from detention facilities.

Court Services Support: SED may be utilized to provide additional security during court proceedings involving high-risk inmates.

Investigative Support: Investigative support may be requested for a surveillance or stakeout activity, a large scale crime scene evidence search, witness interviews and decoy or undercover operations, as well as major case investigative assistance.

Patrol Support: Directed patrol is intended to enable patrol stations to maintain a normal level of service while utilizing SED Deputies to focus upon specific crime problems.

Protection: Personal protection may be provided for dignitaries, witnesses, victims, or informants.

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Tactical Support: Tactical support at critical incidents is provided when patrol personnel are not adequately equipped or trained to apprehend an armed barricaded suspect. These incidents also include hostage situations, hijacking situations, active shooter events, and suspect sniper events.

Training: SED personnel will provide training pertaining to their designated areas of responsibility and expertise.

Special Events: SED may be requested to participate in community-relations and recruiting events.

Warrant Service: SED will be contacted to serve a warrant when execution of a warrant by conventional law enforcement techniques would expose Deputies to extreme and unnecessary danger. The evaluation of utilizing SED for warrant service is based on criteria established under guidelines listed on Sheriff's Form SO-101 (High-Risk Entry Checklist).

In addition to the above services, SED may also be requested to assist with other non-conventional Sheriff's operations. Based on the nature of the request, SED supervisors will evaluate the need to deploy SED resources to assist in the successful resolution of the operation and/or incident.

A telephone request to the SED Sergeant is the most practical and efficient manner for requesting SED

In an emergency SED may be requested through the Communications Center Watch Commander.

Communications Center personnel will contact the SED Lieutenant or in their absence an SED Sergeant to obtain approval for the deployment of SED personnel. (11/22/19)

### **6.39 DEATH SCENES**

Deaths outlined in Section 27491 of the Government Code, include but are not limited to violent, sudden, unusual, unattended, suspected homicide, accident, drowning, fire, exposure, starvation, drug addiction, sudden infant death, custody, disease and suicide.

In cases that fall within the responsibility of the Homicide Unit, prior approval shall be obtained from a Homicide Unit supervisor in addition to the permission of the Medical Examiner before a dead body may be moved or disturbed.

Disturbance of body includes removing items from the body or clothing, covering the body, or moving the body or parts thereof.

The only exception to this procedure, in accordance with Section 27491.3 of the Government Code is that a peace officer may search the deceased person whose death is due to a traffic accident for a driver's license or identification card to determine if an anatomical donor card is attached. If it is determined that the deceased is an anatomical donor, the peace officer shall immediately notify the Medical Examiner of such.

#### **Death of a Foreign Citizen**

Article 37 of the Vienna Convention on Consular Relations established specific notification requirements for reporting the death of a foreign citizen to that government's consular without delay. Therefore, any deputy investigating a case where the decedent is identified as a citizen of

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a foreign country will follow the procedures outlined in Policy 47-Death of a Foreign Citizen of the Field Operation Manual. (04-21-22)

### **6.41 HANDLING REPORTED CRIMES OCCURRING AT COUNTY ADULT INSTITUTIONS**

Text deleted 04-30-01

### **6.42 DIPLOMATIC IMMUNITY**

#### **Diplomatic Immunity**

The Vienna Convention on Diplomatic Relations is incorporated in federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The Convention applies to Ambassadors, Ministers, Minister Counselors, First Secretary, Second Secretary, Third Secretary, Attache' as well as members of the staff of a foreign diplomatic mission, which includes the administrative, technical, and service staffs of the embassies in the United States.

Diplomatic agents, and members of their families who are not nationals of the United States, have full immunity from arrest, detention, or prosecution for any criminal offense unless such immunity is expressly waived by the sending State. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official functions. The administrative and technical staff of a foreign mission, and members of their families who are not nationals or permanent residents of the United States, have full immunity from arrest, detention or prosecution for any criminal offense. Such employees enjoy immunity from civil process only for those actions carried out in their official capacity. Family members of such employees are not immune from civil jurisdiction.

Members of the service staff of a foreign diplomatic mission, which includes drivers, messengers, and security guards, enjoy immunity only for actions carried out in the course of their official duties. Family members and private servants of such individuals have no immunity. Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending State and their private residence.

#### **Procedures for Handling a Diplomatic Official Involved, as a Suspect, in Any Crime Incident**

Diplomatic officials are immune from arrest for any violation of the law. However, Diplomatic immunities vary depending on the status of the official. Therefore, the Consul Corp Deputy shall be notified to respond and verify the official's immunity status and determine an appropriate disposition. Advise the official to remain at the scene pending the arrival of the Consul Corp Deputy. The investigating deputy(s) should use this time to conduct as much of the crime scene investigation as circumstances permit. The investigating deputy(s) shall complete all related reports (i.e. crime, traffic, arrest) and provide copies to the Consul Corps Deputy prior to the end of shift. The Consul Corps Deputy shall forward a detailed memorandum of the incident to the Office of the Sheriff, via chain of command, within 24 hours.

**Traffic - D.U.I. Violations - Shall Not Arrest**

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See procedures for Consular Officials in this section.

### **Consular Officers**

Consular Officers are Consul-Generals, Deputy Consul-Generals, Consuls, and Vice Consuls. They are to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom or dignity. They are entitled to limited immunities as described below.

### **Immunities Accorded to Consular Officers**

Under prevailing international law and agreement (1961 Vienna Convention on Consular Relations), a foreign career consular officer is not liable to arrest or detention pending trial except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority.

Immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

### **Procedures for Handling Grave Crime Incidents**

The investigating deputy shall request that the Consul Corp Deputy respond to the scene to determine the official's immunity status and recommend a disposition prior to arrest. Prior to end of shift, the patrol deputy shall complete all related reports and provide copies to the Consul Corp Deputy who shall submit a detailed memorandum of the incident to the Office of the Sheriff, via chain of command, within 24 hours.

### **Misdemeanor Crime Incidents**

Misdemeanor violations should be handled, when possible, through the seeking of a complaint. Obtain the necessary information from the official and then release him. When in doubt, call the Consul Corp Deputy for assistance. A copy of all related reports shall be submitted to the Office of the Sheriff via the Consul Corp Deputy prior to the end of shift.

### **Recommended Procedure for Traffic Violations**

Do not issue a citation to the Diplomatic/Consular Official, but rather warn the violator of the dangers of his/her actions and allow the official to proceed once you are satisfied that his/her identification is in order. In any aggravated case forward a detailed memorandum, of the circumstances, to the Consul Corp Deputy who will notify the appropriate authorities of the incident.

### **Driving While Under the Influence**

The primary consideration shall be to see that the official is not a danger to himself or the public. Based upon a determination of the circumstances, the following options are suggested.

- Take him to a telephone so that he can call a relative or a friend to come for him.
- Arrange for transportation to his home or office.
- He may be voluntarily transported to the station or other location where he can recover sufficiently to enable him to proceed safely.

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The official shall not be handcuffed or subjected to any sobriety test. Treat the official with respect and courtesy. Impress upon him that your actions and primary responsibility are to care for his safety and the safety of others. Submit a detailed deputy's report to the Office of the Sheriff, with a copy to the Consul Corp Deputy prior to end of your shift.

### **Consular Premises**

Consular premises, used exclusively for the work of the consular post, cannot be entered without explicit permission of the head of the consular post or his designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

### **Consular Archives, Documents, Records and Correspondence**

The Consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular post, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

### **Offenses Involving Family Members of a Consular Officer**

Family members of a Consular Officer cannot claim immunity. However, consideration should be given to the special nature of this type case. Family members shall be accorded appropriate courtesy and respect.

A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the Consular Official is verified. If the relative is a juvenile, circumstances permitting, the subject should be released to the parent Consular Officer.

### **In Custody Visits by Diplomatic and Consular Officials**

Diplomatic and Consular Officials shall be entitled to unlimited visitation rights when a foreign national they represent is in the custody of the Sheriff.

The inmate shall not be charged with a personal visit as these shall be considered as a Legal/Business visit.

### **Honorary Consuls**

These individuals are not immune from arrest or detention; they are not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state except as to official acts performed in the exercise of their consular functions.

### **Assistance to Outside Agencies**

The Sheriff's Communication Center, when requested by a law enforcement agency shall provide guidance and assistance as required on the subject of Diplomatic and Consular Immunity. Information may be obtained through the Consul Corp Deputy in the Criminal Intelligence Unit. (10-30-98)

### 6.43 VEHICLE PURSUIT

#### Background

A police vehicle pursuit exposes the public, deputies, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. Deputies may be subject to administrative action for negligent emergency vehicle operation and the entity may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, deputies may be subject to criminal prosecution.

When engaged in a pursuit, deputies should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the pursuit is continued. Frequently, discontinuance of a pursuit in the interest of public safety is most appropriate.

Deputies should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.

In a pursuit, the violator frequently refuses to give up and the officer feels an obligation to succeed in the pursuit. The psychological phenomenon can cloud one's judgment and may cause the officer to continue the pursuit beyond the point where common sense and good judgment would require the pursuit to be discontinued.

#### Definition

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

#### Legal References

A public entity is liable for death, injury, or damage proximately caused by negligent or wrongful act or omission in operation of a motor vehicle by an employee acting within the scope of employment. (17001 CVC)

A public entity is liable for death or injury to person or property to the same extent as a private person. (17002 CVC)

A public employee is not liable for civil damages resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (17004 CVC)

A public agency is immune from liability from injury, death, or damage caused by the collision of a vehicle being operated by an actual or suspected law violator being pursued by peace officer(s) employed by a public entity if the agency adopts a written policy on vehicle pursuits that meets listed minimum standards. (17004.7(c) CVC)

The driver of an authorized emergency vehicle is exempt from the "rules of the road" provided that the red light and siren (defined as "yelp" or "wail" only) of the vehicle are activated. (21055 CVC)



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The "Rules of the Road" exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him/her from the consequences of an arbitrary exercise of the privileges granted in that section. (21056 CVC)

It is unlawful to drive on the wrong side of a divided roadway, including freeways (against oncoming traffic). Any willful violation of this section, which results in injury or death of a person shall be punished by imprisonment in the state prison. Emergency vehicle operators may not be immune from prosecution if involved in wrong-way collision that results in injury or death. (21651(b) and 21651(c) CVC)

Upon the approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, the surrounding traffic shall yield to the emergency vehicle. (21806 CVC)

The provisions of Section 21806 shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with DUE REGARD FOR SAFETY of all persons and property. The deputy should not assume that the right-of-way will be yielded. (21807 CVC)

When balancing the interests of public safety with effective law enforcement, each deputy and supervisor involved in a pursuit should carefully and continuously consider the following factors in determining whether or not to initiate, limit, discontinue, or otherwise control the pursuit.

### **Initiating a Pursuit**

A pursuit may be initiated when in the deputy's judgment an individual clearly exhibits the intention of avoiding police contact or arrest by using a vehicle to flee; and the deputy has reasonable suspicion that the individual he/she is attempting to stop or arrest has committed, is about to, or is threatening to commit a crime; and/or the deputy has reason to believe and fears that the driving ability of the individual is so impaired or reckless without regards to the safety of others as to cause the actual or potential death or serious injury to himself or another person.

When initiating a pursuit, a deputy must consider all public safety factors applicable to the particular facts and circumstances. A deputy may consider any applicable public safety factors included in but not limited to the following list:

- Seriousness of the offense and its relationship to community safety.
- Safety of the public and the pursuing deputy.
- Traffic conditions (pedestrian and vehicles).
- Weather conditions.
- Roadway conditions (road design, construction, surfaces, and visibility).
- Location/familiarity of pursuing deputies with the area of the pursuit.
- Speed.
- Time of day.
- Capabilities and condition of vehicles involved.
- Quality of radio communications.
- Juvenile occupant(s) of pursued vehicles.
- Capabilities/conditions of involved personnel.

### **Conditions Pursuits Shall Not Be Initiated**

- Carrying a prisoner, arrestee, or detained person.
- Responding to an unrelated emergency call (priority 1).
- Carrying certain passengers, such as, explorers, citizen ride-a-long, or during a citizen assist.
- Illegal immigration to be the only offense.

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### **Continuation of a Pursuit**

A pursuit requires constant evaluation. Each deputy and supervisor involved in a pursuit shall carefully and continuously consider the initiating factors in determining continuance of the pursuit.

### **Discontinuance of a Pursuit**

- Absolutes for discontinuing a pursuit:

Approaching the international border.

Directed to do so by a sworn supervisor.

The danger posed by continued pursuit, to the deputy, the suspect, or the community, is greater than the value of apprehending the suspect(s).

- Pursuits May Be Discontinued:

Anytime at the discretion of the initiating deputy.

- Factors to consider in determining a pursuit should be discontinued are the same factors used in pursuit initiation, plus:

Wrong side of divided highway against oncoming traffic.

Driving the wrong way on a divided highway presents a high degree of risk to the deputy, other motorists, and the suspect. (generally prohibited);

Proximity to the pursued vehicle/location of the pursued vehicle is no longer known;

Identification of suspects is known; able to apprehend at a later time.

Presence of aerial support.

If the determination has been made to terminate the pursuit, deputies shall turn off the emergency lighting and siren on their vehicle as soon as safely possible and/or practical and follow all speed and traffic laws. Additionally, deputies should consider making an overt action to give the appearance of fully terminating the pursuit (i.e. pulling over to the side of the road and coming to a complete stop).

When a unit discontinues actively pursuing a vehicle, a primary unit may, with a notification to a Supervisor, and based on the overall traffic conditions, geography, and weather, safely monitor the fleeing vehicle from a distance and provide location updates. This allows for responding air support assets and neighboring law enforcement agencies to have the most current information on the location of the suspect's vehicle.

### **Pursuing Deputy's Responsibilities**

Each deputy has the responsibility for safely pursuing the suspect and discontinuing the pursuit when the conditions do not support pursuit driving. Generally, pursuits should be limited to two (2) pursuit units and one (1) supervisor. If a K9 unit is involved in the pursuit, that unit should not be counted as one of the two non-supervisor pursuit units due to the specialized responsibility of the K9 team in the apprehension of fleeing suspects, as deemed appropriate by the handler. If the supervisor is not present in the pursuit, a third unit may be approved to ensure that sufficient

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personnel are present at the location of the stop to safely carry out the tactics of the stop. Each pursuing deputy shall activate the red light and siren continuously when involved in a pursuit.

### Primary Pursuit Unit

- Definition

The primary pursuit unit is generally the vehicle closest to the suspect vehicle.

The primary pursuit unit should remain so until that status is relinquished to another unit either by the primary pursuit unit or as directed by a supervisor.

In the event the primary pursuit unit relinquishes control of the pursuit to another unit or agency, the unit initiating the pursuit and/or that unit's supervisor should trail the pursuit to the termination point to provide necessary information or assistance as needed.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units and shall not participate in the pursuit.

- Responsibilities

Upon initiating a pursuit, the primary pursuit unit shall immediately notify the dispatcher that a pursuit is in progress, giving:

- Location;
- Direction and speed of travel;
- Reason for the pursuit;
- Description and license plate number of the suspect vehicle;
- Number of occupants;
- Identity of occupants;
- Any other factors necessary to ensure safe and effective pursuit tactics.

During a pursuit, the primary pursuit unit shall continually provide dispatch with all the changes to the above, and any other pertinent information until the secondary unit takes over "calling the pursuit."

### Secondary Unit

- Definition

The secondary unit is the unit responsible for backup and immediate cover for the primary pursuit unit.

- Responsibilities

The secondary unit, if not assigned, shall notify Communications immediately.

The secondary unit shall be prepared to take over primary responsibility for the pursuit if the primary pursuit unit becomes disabled or if requested to do so by the primary pursuit unit.

The secondary unit involved in a pursuit, under most circumstances, should take over "calling the pursuit."

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Provide all changes to information about the pursuit, and any additional information available.

### **Assisting Unit(s)**

- Assisting units require the approval of the pursuit supervisor.
- If multiple occupants are observed in the pursued vehicle, a supervisor may consider allowing additional units to actively engage in the pursuit.
- All units that enter the pursuit shall notify Communications as soon as a sufficient pause in radio traffic occurs.

### **Additional Units**

#### **Deputies in All Other Units Shall:**

- Remain alert to the pursuit progress and location;
- Stay out of the pursuit, unless specifically requested to join by either the primary pursuit unit or supervisor. The pursuit supervisor must acknowledge the request and approve all additional units.
- If requested by the pursuit supervisor, deputies are authorized to use emergency equipment (Code 3) while driving with due regard for public safety along the anticipated pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public and/or deploy tire deflation devices.
- Minimize radio transmissions on the frequency being used for the pursuit;
- Move to an alternate channel/frequency as directed.

### **Supervisory Responsibilities**

Upon notification of a pursuit in progress, the field supervisor and/or Communications Center Lieutenant assumes the responsibility to monitor and take appropriate action for pursuit control.

Any sworn supervisor on duty, the field Lieutenant, the Communications Center Lieutenant or any commanding officer has the authority to order a pursuit discontinued when, in their judgment, the potential safety risks outweigh the need for apprehension.

The pursuit supervisor shall ensure that no more units than necessary are involved. The Primary Pursuit Unit and the Secondary Unit are generally sufficient for the actual pursuit. Assisting units may be added for safety and security, with the supervisor's approval.

The pursuit supervisor shall consider the following in deciding to add units:

- The type of vehicle being pursued;
- The seriousness of the offense;
- The danger that the occupants of the vehicle being pursued pose to others;
- The availability of aerial support; and
- The type of intervention tactics considered.

When more than two units are permitted to participate in a pursuit, the supervisor shall as soon as reasonably possible, direct the additional units to discontinue the pursuit if no longer needed.

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The supervisor shall make continual assessment during the progress of a pursuit. Factors to be considered include weather, vehicle and pedestrian traffic levels, roadway and environmental conditions, juvenile occupants in the suspect vehicle, the suspect has been identified to the point that later apprehension can be accomplished, and pursuit speed considerations.

The supervisor shall ensure that affected allied agencies are notified of the pursuit and specific assistance requested, including canine and air support.

The supervisor or designee shall, as necessary, contact pursuing deputies at the location of the pursuit termination to provide on-scene supervision, coordination, and evaluation.

The supervisor shall ensure vehicle pursuits are reported to the LES Operations Support Lieutenant on an approved form PAT 15, for reporting to the Highway Patrol as mandated by Section 14602.1 of the California Vehicle code. Each pursuit shall be evaluated for compliance with all codes and policies and appropriate action initiated.

### **Communications Center Responsibilities**

Upon being notified that a pursuit is in progress, dispatch shall:

- Ensure that a supervisor is assigned to the pursuit;
- Notify appropriate law enforcement agencies of the pursuit, specify if assistance is needed, and specific support requested;

### **During the Pursuit, Dispatch Shall:**

- Monitor all radio traffic concerning the pursuit;
- Move all other radio traffic to an alternative channel/frequency, if necessary;
- If a canine unit is involved in the pursuit, the radio dispatcher shall broadcast that information for officer safety purposes.

### **Motorcycle Units**

Relinquish the primary position to the first marked four-wheel vehicle.

Disengage the secondary position when the second marked four-wheel vehicle joins the pursuit.

### **Unmarked Units**

Unmarked units, without emergency equipment shall not initiate or join in a pursuit. The only exception will be special details/units with written authorization from the Assistant Sheriff, Law Enforcement Services Bureau.

Deputies in unmarked vehicles may become involved in emergency activities involving life endangering situations. In those instances, it may be necessary to follow a suspect vehicle while summoning assistance from a marked vehicle with emergency equipment.

When deputies in an unmarked vehicle become aware that a marked unit has arrived, the unmarked unit will disengage.

### **Non-Pursuit Rated Vehicles (Full-Size Sport Utility, Truck and Van, etc.)**

Drivers of non-pursuit rated units should be aware that such vehicles were not designed as pursuit vehicles and have reduced capabilities as compared to those which are pursuit rated . These vehicles may have a higher center of gravity, smaller brakes and/or a suspension system

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not designed for the demands of pursuit driving (i.e. high speed turning and repetitive heavy braking).

Deputies operating such vehicles must consider the vehicle's reduced capabilities when making decisions to initiate, continue or discontinue a pursuit.

### **Aircraft Assistance**

Units involved in pursuits should request air support assistance.

Aircraft can provide valuable information to ground units concerning upcoming traffic congestion, hazards, or other factors which might endanger the safety of the deputy(s) or the public.

Once the pursued vehicle is overtaken by a law enforcement aircraft, the aircraft becomes an assisting unit responsible for broadcasting ongoing radio updates on the route of travel.

Once the aircraft is in position, the supervisor, in the interest of safety, shall evaluate the tactical involvement of ground units in the pursuit. Consideration should be given to discontinuing the ground pursuit and having the aircraft conduct aerial surveillance of the suspect vehicle for later apprehension.

### **PURSUIITS APPROACHING OR ENTERING NEIGHBORING COUNTIES**

- When a pursuit approaches the jurisdictional boundary of a county neighboring San Diego County, CHP or the Sheriff's Department of the neighboring county should be advised prior to entering the jurisdiction.
- When entering the neighboring county's jurisdiction, if practical and/or possible, it is recommended that the CHP or the Sheriff's Department for the neighboring county be requested to assume the pursuit.
- When transitioning into a neighboring county's jurisdiction, units involved in the pursuit should expect to lose radio communications with the Sheriff's Communications Center. Units involved in the pursuit should consider switching to common law enforcement mutual aid frequency (e.g., CALAW8) to communicate and coordinate with agencies in the neighboring county.
  - Imperial County uses the Regional Communications System as its primary radio communications system. For pursuits transitioning from San Diego County to Imperial County, deputies can continue communicating on the San Diego County law enforcement mutual aid channel BLUE1.
- If an agency in the neighboring county has been requested to assume the pursuit, the deputy with initial probable cause and/or that deputy's supervisor should trail the pursuit to the termination point of the pursuit.

### **Pursuits Approaching the International Border**

- Under no circumstances will pursuing units cross the international border.
- Pursuits should be discontinued upon passing the last U.S. freeway exit.

In those pursuits where the fleeing vehicle is wanted for violent and/or atrocious felonies, involved agencies shall use the pre-agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the international border.

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In order to give warning to Mexican authorities and to provide them an increased degree of safety, the U.S. Border Patrol, U.S. Customs and Border Protection, and the San Diego Police Department will be advised by dispatch of any pursuit within or near San Diego city limits heading south of State Route 54. Pursuits occurring within the jurisdiction of Rural Command will make these notifications when the pursuit occurs within close proximity to the international border. This shall occur whether or not the pursuit is discontinued. Every effort should be made to update the U.S. Border Patrol, U.S. Customs and Border Protection, and the San Diego Police Department when a pursuit is terminated prior to the International Border.

### **Use of Firearms**

Shooting at a motor vehicle for the purpose of disabling that vehicle is prohibited. Shooting at or from a moving vehicle is prohibited, except when immediately necessary to protect persons from death or serious bodily injury. Shooting at or from moving vehicles is ineffective and extremely hazardous. Deputies must consider not only their own safety but the safety of fellow deputies and the public. Tactical considerations and decisions for real and/or potential threat of the vehicle should be assessed. (Refer to P&P 8.1 – Use of Firearms/Deadly Force)

### **Forcible Stops**

A forcible stop is one in which a vehicle or other object is used to physically stop or otherwise alter the course of another vehicle's movement. These tactics include ramming of vehicles, box-ins, channelization, barricades, or placing of objects in the path of the vehicle and may be considered a force likely to result in death or great bodily harm depending on the totality of the circumstances. The Pursuit Immobilization Technique or "PIT" is not an authorized technique and shall not be utilized. (Refer to P&P 6.104 - Controlled Tire Deflation Device Deployment.)

These tactics shall only be used when the suspect's actions constitute an immediate and life-threatening danger and generally only in felony cases, and when other reasonable means have failed.

If barricading is deemed absolutely necessary, a supervisor may approve the use of police vehicles if no other suitable equipment is available. In no case will roadways be barricaded by occupied vehicles.

When possible the approval of the pursuit supervisor or field lieutenant and/or communications watch commander shall be obtained prior to using forcible intervention tactics.

### **Inter-Agency Pursuits**

The guidelines formulated for inter-agency pursuits are designed to provide for the safe coordination of pursuits involving more than one agency. Agencies requested to assist, or receive the transfer of, a pursuit from another agency will continue to balance the interests of public safety in determining whether or not to provide the requested assistance or receive the transfer.

### **Notification**

- When a pursuit is approaching or entering another jurisdiction, the agency with primary responsibility for the pursuit shall notify the appropriate agency for that jurisdiction.
- Communications will notify the respective agency/jurisdiction of the pursuit in the following manner.

"This is the Sheriff's Department. This is a pursuit notification."

## San Diego County Sheriff's Department – Procedure

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Notification will not be construed as a request for assistance.

"This is the Sheriff's Department. This is a pursuit standby."

This is a message requesting that an agency monitor the pursuit, move into appropriate position, and be prepared to assist if requested.

"This is the Sheriff's Department. This is a pursuit message requesting assistance."

Specify assistance requested

Assisting unit(s)

Air support

Other specialized units

"This is the Sheriff's Department. This is a pursuit message requesting transfer of a pursuit."

- When the initial call is made, Communications will transmit to that agency the following information:
  - Direction of travel, location, and speed;
  - Vehicle and suspect description;
  - Officer safety considerations;
  - Type of crime;
  - Number of occupants;
  - Number of units involved;
  - Unit designator of supervisor involved;
  - Radio frequency(ies) being used;
  - Air support being used/or requested;
  - Unit designator of deputy(ies) involved.
- The primary pursuit unit, or pursuit supervisor, should specify if assistance is needed and the type of assistance requested.
- The allied agency(ies) will assist the initiating agency only by specific request and will provide only the specific services requested.
- On all requests for assistance or transfer, the agency receiving the request shall identify the supervisor accepting or declining the request.

### **Communications**

- Communication operators should clarify any requests for assistance with the requesting agency and obtain pertinent information as previously listed.
- Communications shall notify a sworn supervisor of the request and receive direction for the degree of involvement provided to the requesting agency.
- In addition to a formal request by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests.
- If officers respond to these types of requests, the deputy shall immediately notify Communications and the supervisor.
- During pursuits involving allied agencies, Communication Centers shall provide coordination between pursuing units and allied agencies including:

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## **SECTION 6 Operations**



## San Diego County Sheriff's Department – Procedure

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Continuously monitor progress of the pursuit, transmitting pertinent information and updates;

Coordinate radio communication on the appropriate mutual aid frequency;  
Relay information via telephone if radio communications from car to car fail.

### Procedures

- Units shall not join in an active pursuit unless specifically requested and then only with the approval of a supervisor or as authorized by communications.
- Once a pursuit has been initiated, the initiating agency will generally retain jurisdiction and control of the pursuit, even when the pursuit enters another jurisdiction.
- When entering another law enforcement jurisdiction (including military installation), the pursuit shall be discontinued immediately when a supervisor of that agency recognizes a condition that constitutes an immediate and life-threatening danger to the officers or public and recommends discontinuance.
- The California Highway Patrol (CHP), may respond to a specific request for assistance on pursuits conducted on the freeway system. Once in place, the CHP will assume control of the pursuit until they relinquish it. When CHP has control of the pursuit, all other units not needed will discontinue their involvement.
- When entering another agency's jurisdiction, the primary pursuit unit or the pursuit supervisor should determine if the allied agency should be requested to assume the pursuit.
- An allied agency which accepts responsibility for the pursuit, may elect to proceed with or discontinue the pursuit.
- The officer with initial probable cause and/or that officer's supervisor should trail the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units and shall not participate in the pursuit.

### Transfer

- There is no legal requirement for an agency to assume a pursuit. A supervisor may determine it is in the best interest of public safety and/or the agency to refuse acceptance. Once responsibility is assumed, the pursuit may be discontinued by the assuming agency at any time.
- The supervisor of the assuming agency should notify the initiating agency in the most expedient fashion that control has been assumed.
- Responsibility for a pursuit transfers when:
  - The pursuing agency requests the transfer, and
  - A supervisor of the assuming agency agrees to accept the pursuit, and
  - A unit of the assuming agency becomes the primary pursuit unit.
- An agency accepting transfer and assuming the primary pursuit unit position, should have sufficient resources to control the pursuit.

## San Diego County Sheriff's Department – Procedure

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### End of Pursuit

- Responsibilities of the stopping agency

Notify all involved agencies that the pursuit has ended, its location, and supervisor to contact. Provide a supervisor at the location(s) where the pursuit ends for coordination with other agencies.

- Responsibilities of Other Involved Agencies

The agency of the officer who initiated the pursuit shall ensure that the officer with probable cause (or that officer's supervisor) contacts the stopping agency's supervisor to provide assistance.

All agencies involved in the pursuit shall provide supplementary reports as requested by the stopping agency (or booking agency, if different).\

- Prisoner Processing

In the absence of any other agreement, the suspect(s) from the pursuit shall be turned over to the custody of the agency which has the most significant charges.

Absent more significant charges by another agency, custody and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit.

The agency assuming custody shall be responsible for processing, booking, and all related reports.

- Traffic Collision Investigation

The investigation of traffic collisions resulting from the pursuit shall be the responsibility of the agency within whose jurisdiction the collision occurred.

The deputy in the primary unit is responsible for the arrest of the suspect when the suspect voluntarily or involuntarily terminates the pursuit. They are also responsible for the management of the scene in the absence of a supervisor.

For the safety of all concerned, the arresting deputy must maintain strict personal and professional discipline immediately following the pursuit and during the apprehension of the suspect(s).

The arresting deputy must insure the suspect(s) is taken into custody in a well-organized, well managed and controlled manner considering the following factors:

- Management and control of the immediate post-pursuit activities,
- Responsible for command absent a supervisor on scene
- Coordination of other units and agencies
- Restoring order to the scene
- Obtaining medical treatment when necessary

### Pursuit Report Requirements

California Vehicle Code Section 14602.1 requires that all police pursuits be reported on the California Highway Patrol Pursuit Report (PAT 15). The form shall be prepared on pursuits initiated or assumed by officers of each involved department. The report should be submitted through the station chain of command to the LES Operations Support Lieutenant. The LES

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Operations Support Lieutenant will forward reports to the California Highway Patrol and maintain pursuit statistics.

A verbal report shall be given to the field supervisor as soon as circumstances allow. The field supervisor shall make a factual evaluation concerning compliance with the Department's pursuit policy. This evaluation and justification for the continuation of the pursuit shall be included on the PAT 15. Violations shall be identified and handled according to P&P 3.3.

**All pursuits are subject to review by the Critical Incident Review Board.**

### **Vehicle Pursuit Training**

The Training Division is responsible for developing and administering basic and advanced courses in defensive driving, pursuit driving and forcible intervention tactics. The Training Division will develop a comprehensive academy, in-service and remedial training plan that will focus on increasing driver safety and competence as well as limiting pursuit risk factors.

The Training Division will annually review, evaluate and revise this training plan, and forward to the Assistant Sheriff, Law Enforcement Services Bureau for approval.

### **COUNTYWIDE PURSUIT POLICY EVALUATION COMMITTEE**

- A. Representation - Each participating agency will identify or select a representative from their agency to participate as a committee member to evaluate the policy.
- B. Annual Evaluation – An annual evaluation will take place no later than July 30<sup>th</sup> or as needed. In addition to the annual review, the hosting agency for the following year will be established.
- C. The head of any participating agency may request the evaluation committee to convene at any time after a pursuit to evaluate the policy effectiveness. (12-21-22)

<b>6.45 DRUNK IN PUBLIC ARRESTS: INEBRIATE RECEPTION CENTER</b>
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**Text deleted 6-30-06**

<b>6.46 GUARDING HOSPITALIZED INMATES</b>
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### **New Arrests**

When an arrested person is admitted into the hospital the arresting agency is responsible for providing for the security of the person. Pre-arraignment hospitalized prisoners will not be booked in absentia. It is the responsibility of the arresting agency to arrange for the arraignment of their

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hospitalized prisoner and to provide security until the arraignment is conducted. Once arraigned and committed to the custody of the Sheriff, the appropriate booking facility will book the prisoner in absentia and assume necessary guarding responsibilities.

For those pre-arraignment hospitalized prisoners arrested by a Sheriff's Deputy, the Detention Services Bureau will assume the guarding responsibilities at the hospital but the prisoner will not be booked until after arraignment. It will be the Law Enforcement Services Bureau's responsibility to arrange for the arraignment. Once arraigned and committed to the custody of the Sheriff, the appropriate booking facility will book the prisoner in absentia and assume the necessary guarding responsibilities.

### **Inmates in Custody**

The transporting deputy will notify the Watch Commander at the inmate's housing facility of the admission to the hospital. The Watch Commander will arrange for the appropriate level of staff required to guard the inmate. It is the responsibility of the housing facility to provide staff to guard the inmate while in the hospital. The Watch Commander will notify the San Diego Central Jail Watch Commander or Processing Sergeant to ensure the inmate is added to the hospital log.

### **Discharge of Hospital Guards**

The deputy guarding the inmate will notify his/her Watch Commander of the pending release of the inmate from the hospital. Upon release by medical staff the deputy will transport the inmate back to the housing facility. Upon arriving at his/her facility the deputy will notify the San Diego Central Jail Watch Commander or Processing Sergeant that the inmate has returned to the facility. (11-23-04)  
(Reviewed 4-11-2011)

<b>6.47 IMMIGRATION LAWS: ENFORCEMENT</b>
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Federal immigration law governs legal and illegal immigration into the United States, how long a person can stay, and when they must leave. Federal immigration agencies and officials have primary jurisdiction and responsibility for the enforcement of immigration laws. States have limited legislative authority regarding immigration.

Under California law, the primary function of a Sheriff's Deputy is to enforce the laws of the State of California. In general, California state law leaves the direct enforcement of immigration laws entirely with federal agencies and officials.

The Sheriff's Department shall not use agency resources or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes.

During the course of a detention, arrest, investigation or interrogation, Sheriff's Department personnel are prohibited from:

- Inquiring into a person's immigration status
- Detaining an individual on the basis of an immigration hold request
- Providing information regarding an individual's release date or responding to a request for notification of release dates to immigration authorities, or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with California Government Code Section 7282.5

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- Providing personal information, as defined in California Civil Code Section 1798.3, about an individual including but not limited to; an individual's home address or work address or other identifying information, unless that information is available to the public
- Making or participating in arrests based on a civil immigration warrant.
- Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Government Code.

Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Government Code

The Sheriff's Department is prohibited from providing office space exclusively dedicated for immigration authorities' use within a county law enforcement facility.

Deputies shall not utilize immigration officials for the purpose of determining an individual's immigration status.

Deputies are prohibited from using federal immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

Deputies may assist with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284).

Transferring any individual to federal immigration authorities is prohibited unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with California Government Code Section 7282.5.

Contracting with the federal government for the use of any California law enforcement agency facilities to house individuals as federal detainees for purposes of civil immigration custody is prohibited except in accordance with Chapter 17.8 (commencing with California Government Code Section 7310).

This policy is not intended to limit any of the current and ongoing successful collaborative efforts of the Sheriff's specialized task forces to include but not limited to:

- Narcotics Task Force
- Border Crime Suppression Team
- Sheriff's Analysis Driven Law Enforcement
- Fugitive Task Force
- East County Gang Task Force
- North County Gang Task Force
- Regional Auto Theft Task Force
- Criminal Intelligence Detail
- Internet Crimes Against Children
- Maritime Task Force/Department of Homeland Security
- Homeland Security Investigation (HIS) Border Patrol, Office of Field Operations
- Law Enforcement Coordination Center (LECC)

The collaboration and coordination of all of these entities is important to our overall information-led policing efforts targeting the criminal element who threaten the safety and security in our communities regardless of their country of origin. All applicable state laws shall be followed by Sheriff's personnel assigned to any specialized task force.

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The Sheriff's Department shall not participate in any joint law enforcement task force where the primary purpose is immigration enforcement as defined in accordance with the California Government Code in subdivision (f) of Section 7284.4.

The Sheriff's Department shall annually report all joint task force operations to the Department of Justice, in a manner specified by the Attorney General.

The Sheriff's Department shall annually report the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer pursuant to paragraph (4) of subdivision (a). (02-20-20)

### 6.48 PHYSICAL FORCE

Addendum Section F, Use of Force Guidelines, shall constitute the operating Procedures Section of P&P 6.48. The Use of Force Guidelines shall be considered a component of the Department's Policy and Procedure Manual and as such, deputies will be held accountable for complying with its contents. (Reviewed 3-21-2012)

### 6.49 PUBLIC REGISTRATION OF CONCEALED FIREARMS

The Sheriff encourages the public to voluntarily register their concealable firearms. License Division staff will mail the state notice of voluntary firearm registration form to callers with instructions to submit the completed registration directly to:

Department of Justice  
Firearms Program  
ATTN: Voluntary Registration Unit  
P.O. Box 820200  
Sacramento, CA 94203-0200  
(10-30-98) (Reviewed 4-11-2011)

### 6.50 MILITARY PERSONNEL APPREHENSION

Deputies have no federal statutory authority for the apprehension of an individual who is A.W.O.L. The need for a deputy's presence in the apprehension of an A.W.O.L. individual would be justified upon valid information from the requesting authority indicating that resistance on the part of the A.W.O.L person is expected. The deputy should remain in the vicinity of his/her vehicle at the scene and take appropriate action when circumstances of a criminal violation occur.

#### **U.A. and A.W.O.L. (Defined)**

"Unauthorized Absence" (U.A.) and "Absent without leave" (A.W.O.L.) of military personnel from their command is classified as an "administrative procedure." Therefore, the authority granted to civil law enforcement under Article 9 of the Uniform Code of Military Justice, for the apprehension of military persons classified as such, is not applicable. A.W.O.L. gives law enforcement no authority for apprehension or detention. Absent a criminal violation, deputies cannot arrest for this charge.

### **Military Deserter (Defined)**

After 30 days military authorities can classify A.W.O.L personnel as a deserter. At this time, appropriate military authorities are required to fill out appropriate forms in request for an arrest warrant. The warrant will be entered into NCIC and when personnel are contacted with an active warrant, normal arrest procedures can be followed. The Department of Defense (DOD) does not need to be notified by field personnel in this case. When Sheriff's dispatch verifies the warrant, DOD will be notified and the process will begin for the subject to be picked up at the jail by military authorities.

Upon valid information that a subject is a deserter and not in NCIC, an arrest can be made by law enforcement only when the actual DOD warrant is in hand. (10-01-08) (Reviewed 4-11-2011)

<b>6.51 CONCEALABLE WEAPONS LICENSE PROVISION</b>
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All inquiries received by Sheriff's personnel, regarding concealed weapons permits, shall be referred to the License Division. (01-4-21)

<b>6.52 WARRANTS OF ARREST</b>
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When any Deputy Sheriff obtains an arrest warrant from a San Diego County Court, the following procedure will apply:

Unless an immediate arrest is to be made, the warrant, along with the complete physical description, our case number, and the subject's address, will be forwarded to the Warrants Division so that a case will be made, indexed, and the proper "stops" filed with CLETS or NCIC. A deputy may make the arrest with knowledge that a confirmed warrant exists. Deputies may be given a copy of the CRT computer printout containing the warrant information. This printout is not a valid abstract.

The deputy must not confirm the warrant (by having the warrant pulled) until he/she determines the following:

- The subject can be booked into the County Jail. The jail will only accept certain misdemeanor warrant charges such as domestic violence and 290 PC. The jails watch commanders have the current list of acceptable charges.
- The subject can be taken directly to the court of jurisdiction. The Warrant Division Court Services Bureau can advise if the court is in session and will accept a person arrested on a local warrant.

As an alternative, the deputy may obtain from the Warrants Division a CRT abstract of the warrant. This "working abstract" will be valid for the period of time specified on its face, usually three days. Upon its expiration, this abstract will be returned to the Warrants Division.

UNDER NO CIRCUMSTANCES will members of this Department photocopy, scan in or, through any process, create a duplicate or store electronically (including NetRMS) any original warrant of arrest or booking abstract. To do so would create the possibility that, after one warrant had been served or recalled, the person could be arrested on the duplicate by mistake.

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The ONLY exception to the above rule will be in the case of warrants involving extradition or the filing of Unlawful Flight charges. In these cases, and under controlled conditions, the Fugitive Unit may have copies made for the governmental agencies requiring them. (09-29-11)

### **6.54 CLAIMS PROCEDURES**

Any person wanting to file a claim against the Sheriff's Department shall be referred to the Clerk of the Board of Supervisors.

If a person is trying to locate property which may be in the custody of the Sheriff's Department, employees should make every attempt to assist in retrieving said property.

If a person is also claiming physical abuse and/or injury by a member of this Department, they should also be referred to Internal Affairs.

All claims made against the Sheriff's Department will be forwarded to the Division of Inspectional Services by the County Claims Division for review. The Division of Inspectional Services will:

- Log and track every claim.
- Contact Internal Affairs to determine if the incident is already the subject of an Internal Affairs investigation.

If the claim is the subject of an open investigation, County Claims will be advised of a potential delay.

If the claim is the subject of a closed investigation, the Division of Inspectional Services Executive Manager will review the investigation and determine if further investigation is warranted. The Division of Inspectional Services Executive Manager will assign cases for investigation as appropriate.

After a claim has been thoroughly investigated, all reports, including the evidence checklists, will be forwarded via the chain of command, to the bureau commander for review.

After review, the bureau commander will forward all reports to the Executive Manager of the Division of Inspectional Services.

A claims management log and file will be maintained in Division of Inspectional Services. (04-02-14)

### **6.55 PROTECTIVE ORDERS**



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There are a variety of court issued protective orders that relate to a variety of situations. Penal Code Section 13710 requires law enforcement agencies to maintain a record of all orders issued as a result of domestic violence incidents.

### Temporary Restraining Orders

- Violation of a restraining order is a misdemeanor under 273.6 or 166 P.C. An arrest shall be made when there is reasonable cause to believe the subject of the restraining order has violated the order and any one of the following conditions is met:

The existence of the order and proof of service on the suspect has been verified by the deputy.

The existence of the order has been verified by the deputy; no proof of service is required if the order reflects that the suspect was personally present in court when the order was made.

The existence of the order has been verified, and there is proof that the suspect has previously been admonished by law enforcement personnel.

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

Inform the suspect of the terms of the order.

Admonish the suspect of the order, that he/she is now on notice and violation of the order will result in his/her arrest. If the suspect continues to violate the order after being advised of the terms, an arrest shall be made.

If the suspect complies after admonishment of the terms, the deputy will immediately inform inquiry at the Communications Center of the admonishment. This information shall include the terms of the admonishment, the deputy's name giving the admonishment and the date and time of the admonishment.

Per 13730 PC, if this involves a domestic violence incident, the deputy will complete a Domestic Violence Incident Report indicating the circumstances concerning the incident and the admonition.

The deputy will also notify inquiry as previously covered.

- In the event the suspect has left the scene prior to the deputy's arrival, the deputy shall determine if a crime has been committed. If evidence of a crime exists, a crime report will be prepared.
- In cases where the order is not verifiable; i.e., when the victim is not in possession of the T.R.O. and/or in case of computer error, and the deputy is not able to confirm the order's validity, the deputy should prepare a crime report.

### Stay Away Orders

- A stay away order is issued in a criminal case where the probability of victim intimidation exists. Violation of this order is a misdemeanor under Penal Code Section 166. Deputies shall ascertain the terms and validity of this order:

Request the victim to produce a copy of the order. Verify, through inquiry or Records that the suspect is under the court's jurisdiction, or,

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Verify, through inquiry or Records that a stay away order has been issued against the suspect.

### Confirming Information

- All court issued protective orders will be kept on file at Records and entered into the want/warrant computer system.
- Deputies wishing to confirm the validity or existence of a court issued protective order can do so in one of the following ways:

Using Sheriff's inquiry, deputies can confirm the necessary information through dispatch similar to procedures for wanted persons checks. Deputies can also utilize their MDT's to inquire about the validity of the order.

The deputy can telephone Records and confirm the information.  
(03-03-15)

<b>6.56 INTRA DEPARTMENTAL OPERATIONS: COMMAND PROTOCOL</b>
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The commander of the Sheriff's station or detention facility whose area includes the scene; will be the Incident Commander. If the station/facility commander is not on scene, the highest ranking person will be the Incident Commander pending the arrival of the station or facility commander. The person designated Incident Commander will have overall responsibility for the outcome of the operation. Station and facility commanders will not delegate this responsibility unless extreme and exigent circumstances exist. The Incident Commander is in tactical command of the operation. Should the Department Operations Center (DOC) be activated, it will provide material and personnel support only; the DOC will not give tactical direction.

The Incident Commander shall designate subordinates to fill the necessary Incident Command System positions. The first should be the operations officer who will be responsible for directing tactical operations.

The operations officer may assign specialty subunits not normally under his/her direct command, e.g., Homicide Unit, Sheriff's Tactical Units, ASTREA, etc., to undertake portions of the operation (a mission). Although the operations officer may assign a mission to a specialty subunit, he/she may not direct the performance of the subunit or dictate methods to accomplish the mission to the subunit's supervisor.

The operations officer retains the discretion to review with the subunit's supervisor and to approve the proposed method(s) by which the specialty subunit will accomplish the mission. If the methods are unacceptable and a compromise is not possible, the affected subunit must be relieved of the assignment by the operations officer who retains responsibility for the subordinate goal. The operations officer may contact and discuss with the superior officer of the subunit's supervisor any disputes over means.

When utilizing specialized subunits, the operations officer should strive, to the extent possible, to support the subunit with manpower and resources sufficient to attain the subunit's objective.  
(09-15-98) (Reviewed 4-11-2011)

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## SECTION 6 Operations

### 6.57 MISSING PERSON REPORTING POLICY

#### Communications Center

- Dispatch all Missing Persons calls regardless of jurisdiction.
- Missing Persons reports can be taken over the phone by Communications Center deputies, except those missing and considered "At Risk."
- If a subject's name is queried and the subject shows as missing, the Communications Center will confirm with reporting agency.
- If Communications Center receives a CLETS Administrative Message sent by the Records Division regarding a Missing Person who might be in our jurisdiction, the dispatcher will enter a "BOL" into CAD for dispatch on the appropriate talk groups. If a specific location is provided for the missing person, a CAD incident will be created and dispatched.
- When a patrol deputy receives a citizen contact regarding a missing person or a located missing person, the Communications Center will initiate a CAD number and handle as a regular call.
- Public Alert Systems:
  - When a Patrol supervisor from the SDSD requests a statewide Public Alert for a missing person, the Communications Center will notify the California Highway Patrol (CHP), the agency authorized to initiate such alerts, and request their assistance. Under no circumstances will any qualifying, Public Alert be requested without the affected area Captain's notification. See Sheriff's Policy and Procedure section 6.139 Public Alert Systems for specific requirements/instructions.

#### Patrol

- The patrol deputy shall contact the reporting party and make an assessment of the most reasonable steps to be taken to locate the person and initiate a missing person's report.
- Until a missing person case is classified, patrol responses should be handled as if the missing person is "at risk."
- Special Circumstances:

If the missing person is under 16 years of age, or there is evidence that the person is "at risk," the deputy shall without delay contact the Records and ID Division to broadcast a BOL (999) to all law enforcement agencies and CHP Offices in the county. If the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, the Records Division receiving the report shall, within 2 hours after receipt of the report, transmit the report to the Department of Justice for inclusion in the Violent Crime Information Center and the

## San Diego County Sheriff's Department – Procedure

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National Crime Information Center databases (CA Penal Code 14211(e)). US Department of Justice (800-843-5678). The 2 hour time starts from the time CAD incident was entered. If the request for a report was made by a citizen contact absent a CAD incident, the 2-hour time limit commences at the time of initial contact.

If the missing person is suffering from Alzheimer's/Dementia, Adult Protective Services (APS) will be notified (800-510-2020) even if immediately located. The notification of APS will be indicated in the narrative of the missing person report and an APS referral form will be completed.

Once a deputy calls for a case number a missing person report must be generated regardless if the person returns or is located prior to the report being written. If the person is located prior to the report being written, the Missing Person report still must be called into Sheriff's Records and ID Missing Person desk for entry into Missing Unidentified Person System (MUPS)/NCIC, after which the entry will be immediately removed from MUPS/NCIC by Sheriff's Records and ID personnel.

- Routine Missing:

Once the report is taken, the missing person information should be called in to the Records and ID Division's Missing Persons line at (858) 974-2143 as soon as possible. The completed report will be submitted to the patrol supervisor before the end of the deputy's shift. During normal report processing by clerical staff, a copy of the report will be sent to DOJ in a timely manner.

- When a deputy takes a report of a missing person from another jurisdiction, it is the deputy's responsibility to notify that jurisdiction that a report has been filed and supply them with the missing person's information. The deputy will also contact the Sheriff's Missing Persons line and request an entry into MUPS. When the outside agency reports to the Sheriff's Department that they are ready to make their own entry into MUPS, the Sheriff's Records and ID Missing Persons desk will remove the entry made by this office. A copy of the report will be sent within 24 hours to the agency having jurisdiction of the missing person's place of residence and a copy to the agency, which has jurisdiction of the area where the missing person was last seen.
- When a deputy takes a report of a missing person from another jurisdiction and that person is under 16 years of age or there is evidence that the person is at risk, the deputy will without delay supply the other jurisdiction with a copy of the report. The report will include the missing persons address and the place they were last seen. The report shall be sent to the agency with jurisdiction prior to the end of shift.
- There are several classifications of missing children handled by various units for follow-up or emergency call-outs. The following flow of response is offered as a guideline to patrol:

-Voluntary missing-take report; follow-up by Area Juvenile Detective.

-Family abductions or child stealing by family members-take report; follow-up by District Attorney's Family Protection Unit.

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"At Risk", and unknown missing, take preliminary steps to locate child; immediately notify the Area Juvenile Detective.

For non-family abductions or abductions where the child is in imminent danger of serious injury or death, immediately notify the Communication Center to activate CART.

- Child Abductions:

A child abducted by a stranger is in grave danger. Though such incidents are rare, a rapid response and the public's assistance locating the child are critical to improving the victim's chance of survival. AMBER alerts are only used for the most serious child abduction cases, when authorities believe a child is in imminent danger of serious bodily injury or death, not for runaways. The Emergency Alert systems may be used to notify the public of child abduction if:

There is a confirmed abduction, or a child has been taken by anyone, including, but not limited to, a custodial parent or guardian (e.g., witness verification, alternative explanations for a child's absence eliminated).

The victim is 17 years of age or younger, or an individual with a proven mental or physical disability.

The child is in imminent danger of serious bodily injury or death.

Information is available that, if disseminated to the general public, could assist in the safe recovery of the victim (vehicle information is not a requirement to activate an AMBER Alert).

To issue a child abduction AMBER Alert or any other Missing Persons Public Safety Alert, refer to Policy and Procedure Section 6.139-Public Alert Systems.

### Records

- When notification is made to Records by the deputy taking the missing person report, Records will without delay, transmit a copy to the Department of Justice for the inclusion in the Violent Crime Information Center and the National Crime Information Center databases.
- When the missing person is under 16 years of age or "at risk," a 999 message to all law enforcement agencies and CHP Offices in the County will be generated by Sheriff's Records. If the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, Records will transmit the report to the Department of Justice for the inclusion in the Violent Crime Information Center and the National Crime Information Center databases. This entry should be made within 2 hours from the time the CAD incident was entered. If the request for a report was made by a citizen contact absent a CAD incident, the 2-hour time limit commences at the time of contact.

### Area Investigations

Area detectives are responsible for the first thirty (30) days of unknown missing or voluntary missing adult cases and the completion of the Missing Persons Investigation Supplemental (form INV-12); such cases then revert to the Homicide Unit.

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Area Juvenile Detectives are responsible for follow-up management on all runaway juveniles and initial investigations into unknown missing or abducted juveniles including the completion of the Missing Person Investigation Supplemental (form INV-12). When the initial investigation indicates that the juvenile is involuntarily missing, or it is believed that an abduction has occurred and the child is in imminent danger of serious bodily injury or death, the Homicide Unit shall be notified via the Communications Center by the Area Juvenile Detective who is handling the initial investigation. The Homicide Unit will then assume responsibility for the investigation.

### **Homicide**

As outlined in Section 6.61 of P&P, the Homicide Unit is responsible for the follow-up management of all assigned involuntary adult missing person cases and missing juvenile cases that appear to be abduction related. Detectives assigned to the Homicide Unit shall conduct an appropriate follow-up investigation based upon the totality of the information available.

Cases of missing juveniles and juvenile abduction are initially managed by the Area Juvenile Detective. When initial leads have shown that the case is most likely abduction related, case follow-up will become the responsibility of the Homicide Unit.

If the investigation leads to a located juvenile, the case will revert back to the appropriate investigative unit: Child Abuse, Area Juvenile Detective, or assigned unit, etc.

### **Definitions:**

#### **Missing Children**

**Voluntary Missing-**This category includes those children who have run away from home as well as children who have been rejected by their families. These cases normally do not meet Homicide criteria.

**Family Abductions-**Those cases in which a parent or relative has wrongfully taken, kept or concealed a child from a parent or legal guardian, usually for custodial purposes. These cases normally do not meet Homicide criteria. (See 278 PC Child Stealing)

**Abductions by Unknown Individuals-**These are cases in which the child has been taken by a person outside the family unit. After an initial response from the Area Juvenile Detective, these cases should be transferred to the Homicide Unit

**Unknown Missing-**These are cases in which the child is missing, and the facts of the case are insufficient to determine if the child was abducted, the victim of an accident, or voluntarily departed. These cases may meet Homicide criteria on a case by case basis.

Any law enforcement agency is responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice should be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance 49068.6 (a) EC.

#### **Missing Adult**

An individual whose whereabouts are unknown to the reporting party.

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### **At Risk**

An "At Risk" missing person is one who possibly:

Is the victim of a crime or foul play

Is in need of medical attention or medicine to sustain life. Example: Insulin, heart medication, etc.

Has no pattern of running away or disappearing.

Is the victim of a family abduction.

Is mentally impaired (Alzheimer's, Dementia, Down-Syndrome, intellectual disability, etc.)

The Sheriff's Department considers voluntary or involuntary missing children under the age of 12 years old to be "at risk."

### **Located Missing Persons (CA Penal Code 14205-14215)**

#### **Adults**

- San Diego County Sheriff's Jurisdiction:
- Complete a Deputy's Report describing the events. Use the original missing person's report case number. Notify Records & ID Division via the Missing Persons line by the end of the shift.
- Outside Agency Jurisdiction:

Complete a Located Missing Adult Report in NetRMS and notify Records & ID Division via Missing Persons line prior to end of shift.

The deputy will print out and forward a copy of the report to the agency of jurisdiction.

#### **Juveniles**

- San Diego County Sheriff's Jurisdiction:
- If the juvenile is detained, complete a Juvenile Contact Report. Otherwise, complete a Deputy's Report describing circumstances of the return. Use the original missing person's report case number. Notify Records & ID Division line by the end of shift
- Outside Agency Jurisdiction:

If the juvenile is detained, complete a Juvenile Contact Report. Otherwise complete a Deputy's Report describing circumstances of the return. Notify Records & ID Division via Missing Persons line prior to end of shift.

The deputy will printout and forward a copy of the report to the agency of jurisdiction.

For an "At Risk" juvenile, fax or e-mail a copy of the report to the agency of jurisdiction prior to E.O.S.

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The Sheriff's Records Division will send a courtesy letter and a copy of the report to the agency of jurisdiction.

- In all instances where a missing or runaway juvenile is contacted by Sheriff's deputies and the deputies know the juvenile has been reported as missing or runaway, the deputy should make a reasonable attempt to contact the juvenile's parents or legal guardian and notify them of the location and/or status of the missing/runaway juvenile, unless doing so would compromise a criminal investigation into the actions of the parent or legal guardian, or jeopardize the welfare of the juvenile. (04-18-2024)

### **6.58 PRISONER ESCAPES**

#### **After an Escape the Following Procedures Will Be Required**

##### **Detention Facility Watch Commander**

Whenever an escape occurs, the facility watch commander shall ensure that notification is made to:

- The Communications Center
- The Division of Inspectional Services
- The facility commander and at the commander's discretion:

The Undersheriff

The appropriate bureau commanders

- The Chairman of the Board of Supervisors or designated representative.

##### **Communications Center**

The Watch Commander will be responsible for the processing of all escape cases reported and shall:

- Obtain the facts of the case and immediately transmit a "B.O.L." radio broadcast to all patrol units.
- Relay the information to all local law enforcement agencies of the county via a "999" CLETS teletype message.
- Record the information on a crime report face sheet (Form ARJIS-2 Rev. 5-94).

NOTE: The report is to be written only when the escape has occurred at any facility that is not operated by the Sheriff. All reports concerning an escape from any Sheriff's facility are the responsibility of the personnel of that particular facility. Any report of escape from a hospital facility shall be the responsibility of the personnel of the jail where the inmate was last housed.

- After obtaining a case number, transmit a copy of the report to the Records Division via fax. The original report will then be retained by the Communications Center until picked up by a deputy of the Detentions Investigations Unit.
- Notify the on-call deputy of the Fugitive and Detentions Investigations Unit.

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- Note the escape information on the Communications Center Watch Commander's morning report.

### **Records Division**

After receiving the faxed copy of the report the personnel of the Records Division shall:

- Amend the computer "Criminal History" (RI02) data to display the existence of the escape report.
- Make any appropriate notations in the ARJIS computer system.

### **Transportation Unit**

If the escape took place from a transportation unit and the unit has other prisoners, the unit will transport the other inmates to a secure place as soon as possible and will not be used for the search. After the inmates have been secured, they are to be interviewed for information regarding the escape. The inmates should be kept separate from the other inmates until the investigator has been given the opportunity to interview and obtain their separate versions.

### **Escapes from Sheriff's Detention Facility or from Hospital Facility**

Detention deputies will not generally be utilized in a search outside the facility. The search is the responsibility of the field units. Detention personnel will obtain all information available which may include interviewing other inmates and witnesses, checking records for criminal history, mug shots, etc., and will furnish all the information obtained to the investigator. Any information that is obtained which may assist in the investigation will be furnished in a follow-up deputy's report.

### **Sheriff's Facility - Failure of Work Furlough Inmates to Return from Work or Other Furlough**

Whenever a work furlough inmate fails to return to the assigned facility at the required hour, the supervisor and/or facility commander will be notified. The employer or the last person known to be with the inmate should be contacted to verify that the inmate has actually left or failed to return. If no extenuating circumstances exist and sufficient time has elapsed to account for missing a bus or for money problems capable of causing a delay (maximum of 2 hours), the Communications Center will be notified to take the proper escape case actions as noted in the preceding portions of this policy section. All follow-up actions taken will be recorded on the deputy's reports.

### **Probation Department, Adult Institutions - Escape from Detention Facility Located in Rural Area of the County**

Whenever an escape occurs from an Adult Institutions (Honor Camp) facility located in a remote part of the county, the appropriate patrol or resident deputy unit will be dispatched to initiate a preliminary investigation and to obtain the information necessary for submission of any required crime report follow-up. If the Communications Center staffing allows for telephonic crime report taking, the report will be taken by this means and no field deputy needs to be dispatched.

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Once the report is completed, either by the field or Communications Center deputy, a radio broadcast; "BOL" will be prepared and dispatched by the Communications Center. It will also be necessary for the report taker to have the Communications Center prepare and transmit a county-wide and/or regional teletype message. The C.L.E.T.S. entry will be made by the Detentions Investigations Unit.

Adult authority personnel of the facility will prepare such reports as are required by their department and submit them within the mandated 24-hour period, with any evidentiary documents from their files as may be required for the submission of a criminal complaint, to the office of the Probation Department, Adult Services, Custody Unit Supervisor.

The supervisor will have the documents assembled and will prepare a "Statement of Case" packet for submission to the Office of the District Attorney as required when filing a case complaint. The packet will then be made available to the Fugitive/Detentions Investigations Unit who will contact the appropriate office of the District Attorney and complete the process of obtaining the warrant.

### **Probation Department, Adult Authority - Escape from Work Furlough Center or from Facility Located Within an Incorporated City Not Serviced by the Sheriff's Department**

Whenever an escape occurs from an Adult Authority Facility located within an incorporated city, in addition to initiating their standard operating procedures, the Communications Center will dispatch an investigator from the Fugitive/Detentions Investigations Unit to conduct the appropriate steps of the investigation.

Adult authority personnel will prepare and deliver to the investigator all necessary reports and documents via the same procedure as specified for escape cases that occurred at a remote facility.

The investigator shall be responsible for completing the process of filing the complaint and obtaining the warrant of arrest.

### **Inmate Property**

Following an escape, all property belonging to the inmate will be collected and stored at the facility from which the inmate has escaped. Money will be left on the books at this time, with the booking remaining open.

An entry is to be made in the remarks section on the computer and closed out the following day. The money will be pulled, identified and given to the accountant at the San Diego Central Jail. All information regarding the status of the escape of the inmate will accompany the money. This shall be the responsibility of the shift supervising clerk.

### **Court Jurisdiction**

In all cases of escape where a court has jurisdiction, a crime report will be sent to each court that has papers indicating they have some type of jurisdiction. A copy of the court paper should be forwarded with the crime report. The report of the escape should go to any other agency that has a hold, such as, a Federal Agency, State Parole, CYA, etc. The Fugitive Desk Officer is to be notified if there are out-of-state cases involved. "Hold" papers for out-of-county warrants are to be returned to the originating agency. Federal Detainers are to be returned to the Federal Agency and Parole holds are to be returned to the Office of State Parole. This shall be the responsibility of the shift supervising clerk.

### **Inmate Returned to Custody**

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If the inmate returns to custody or is apprehended and placed back into custody, all persons who have been notified of the escape will be notified of the return to custody. This shall be the responsibility of the shift supervising clerk. (5-31-13)

### **6.59 NOTIFICATION OF A MODIFICATION OF CHARGES**

To make a change in the booking charge(s) of an inmate, notification shall be made, in writing, on Sheriff's Form SO-24. The "Change of Charge" form must be delivered to the detention facility that has physical custody of the inmate. When it is necessary a computer (SUN message) system or fax communication with the Detention Processing Supervisor will be utilized.

When the station initiating the modification does not have access to a computer terminal, a FAX may be directed to any Sheriff's detention facility. The deputy requesting the modification of charge shall adhere to the following procedure:

Contact the Facility Watch Commander or Detention Processing Supervisor.

Request the modification of charge by stating your name, work assignment (Fallbrook, South Bay, Ramona, etc.), and your ARJIS identification number. The detention facility staff shall maintain a master file of all employee ARJIS identification numbers.

After verification of the ARJIS identification number, the Detention Facility Watch Commander or Detention Processing Supervisor shall initiate the SO-24 Form (including the requesting station's information).

Upon receipt, the detention facility professional staff shall process the modifications requested. The original of this form shall be retained in the inmate's booking jacket.

#### **Stations Contiguous to a Sheriff's Detention Facility**

Those deputies assigned to stations contiguous to a Sheriff's detention facility should continue to deliver a copy of Form SO-24, "Change or Drop Charges", directly to the detention facility.

#### **Outside Agencies Procedure**

Whenever an outside agency desires to modify charges on prisoners they book into a Sheriff's detention facility, such information shall be hand delivered to the appropriate detention facility, using one of their add/drop charges form or one of our SO-24 forms, or they can send the information via computer or fax. The Watch Commander or Detention Processing Supervisor will assure themselves of the authenticity of the request by knowing the requesting party or some form of agency identification.

The above procedures apply to charges on which inmates have not been formally arraigned. All arraigned charges require official court documents to modify or dismiss charges. (09-15-98)

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### 6.60 POST-SEIZURE HEARINGS

The vehicle storage hearing is to be an informal process to determine whether or not a vehicle has been stored lawfully. Therefore, the hearing need not follow technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted.

#### Hearings

The Hearing Officer's role is not that of an adversary but rather that of a mediator. The individual conducting the hearing is sitting as an impartial representative of the Department and will normally be a Lieutenant. In areas that have a Lieutenant as a commander, the Hearing Officer may be a Sergeant.

Hearings should be held in a comfortable setting, free from interruption. Hearings via telephone are acceptable upon agreement between vehicle owner and hearing officer. Personnel who store a vehicle need not be present as all the information necessary to conduct the hearing should be on the storage report.

Although the hearing is to be informal, it must be conducted in a professional, business-like manner. The post seizure hearing, vehicle storage hearing report and notice of disposition (vehicle) will be utilized to record the hearing.

Upon the conclusion of the hearing, a determination or finding shall be made. The vehicle owner shall be advised of the decision utilizing the notice of disposition form. The Hearing Officer conducting the hearing can only make a determination or finding based on fact; not on law. In cases where the validity of a law is concerned, the Hearing Officer shall consider the law valid.

The Hearing Officer is limited to two findings:

- The Sheriff's Department had reasonable grounds to store the vehicle.
- Sheriff's Department did not have reasonable grounds to store the vehicle.

Where the Sheriff's Department had reasonable grounds to store the vehicle, the owner has the following options:

- Pay the towing and storage fees and retrieve the vehicle.
- Allow the vehicle to be sold to satisfy the lien per Section 22851 VC.
- If the owner disputes the findings, he/she may file a claim with the County for fees associated with the towing and storage. The owner must mitigate any damages and charges related to the towing and storage. Pursuant to Sheriff's Policy and Procedures Section 6.54, any person wanting to file a claim against the Sheriff's Department shall be referred to the Office of County Counsel, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101 phone (619) 531-4899 or the Clerk of the Board of Supervisors, Room 306, County Administration Center, 1600 Pacific Highway, ph: (619) 531-5405. The owner should not rely on the claims process which may take up to 45 days for completion to satisfy the tow and storage fees.

Where the Sheriff's Department did not have reasonable grounds to store the vehicle, the following procedures are to be followed:

If the vehicle has not been released:

- The vehicle must be released immediately.

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- The Towing Company will invoice the Sheriff's Station responsible for towing the vehicle and include the total cost of towing and storage for that vehicle.
- The Station will process the invoice in the most time efficient manner, either with the P Card, or general claim depending on the amount due and purchasing guidelines. The station will not refer this to County Counsel as a claim.

If the vehicle has been released:

If the vehicle had previously been stored and has subsequently been released to the owner upon payment of the towing and storage fees, the vehicle owner will file a claim with County Counsel to determine if reimbursement is appropriate.

### Review

The original copy of the vehicle storage hearing record and the notice of disposition shall be reviewed by the Station Commander. After signatures to the document have been made, the document will be scanned into the NetRMS report. The original document with any evidentiary bills or documents will be sent to the LES Operations Support Lieutenant within five days of the hearing. No paper copies will be retained by the station.

The LES Operations Support Lieutenant shall, after reviewing the report, scan it into the Post Seizure file and retain the electronic version of it for one year. (05-12-22)

<b>6.61 HOMICIDE UNIT CASE RESPONSIBILITY</b>
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### Notification of the Homicide Unit

Within the guidelines of its case responsibility, the Homicide Unit shall be informed immediately of any of the following incidents:

- Homicides, suspicious or unexplained deaths.
- Deaths of Sheriff's incarcerated persons.
- Crimes where the victim's death is probable.
- Adult kidnappings when the victim is still believed to be held hostage at the time of the report.
- All officer involved shootings to include the San Diego Police Department. (NOT including unintended discharges without injury, dispatching of animals or shooting of aggressive animals).
- Unintentional discharges by on duty personnel resulting in injuries or death to any individual.
- Use of force incidents that result in death or a high probability of death.
- Any unexplained death or where death is likely, of any person under the age of 18 where the injury and/or death is not the result of willful action by another/person). An additional notification shall be made to the Sheriff's Child Abuse on call sergeant.
- Adult Missing Persons that are suspicious in nature or cases after 30-days of investigation.
- Missing and abducted juveniles as outlined in Section 6.57 of P&P.

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- Suicides involving:

High profile individuals.

Public figures.

Witnessed suicides, if suspicious in nature.

Services provided to other departments or entities by contractual agreement.

Necessary after-hours notification should be made to the on-call Homicide Unit Sergeant through the Communications Center.

Reports of death, determined to be non-criminal in nature, may be routinely forwarded to the Homicide Unit without special notification.

Although the Homicide Unit is responsible for the investigation of the above cases, not every instance will require the on-scene presence of a Homicide Investigator.

When doubt exists as to the necessity of calling out a Homicide Investigator, involved personnel should immediately contact the on-call Homicide Unit supervisor to discuss the situation.

(04-18-2024)

### 6.62 INFORMANT GUIDELINES

#### **Informant Defined:**

An informant is a person who, under the direction of a specific deputy and with or without expectation of compensation, furnishes information or performs a lawful service to the Department in its investigations and operations.

A source of information is a person or organization, not under the direction of a specific deputy, who provides information without becoming a party to the investigation itself (e.g., a business firm furnishing information from its records; an employee of an organization who through the routine course of his/her activities obtains information of value; a concerned citizen who witnesses an event of interest). They are not an informant. Generally, a person or organization fitting within this definition can be identified by name in investigative reports. However, if there is cause to preserve anonymity, yet the circumstances do not warrant establishing the source as an informant, the term "source of information" may be used.

Should a person who would otherwise be considered a source of information seek financial compensation or become a continuing active part of the investigative process, his/her status shall be shifted to that of an informant.

#### **Informant Management**

Informants are assets of the Sheriff's Department, not a specific deputy. At its discretion, Sheriff's Department management may reassign an informant to the control of another Sheriff's Deputy or another office.

The Special Investigations Division / Narcotics and Gangs Division (SID / NGD) Operations Manual is the guiding policy on the establishment, use, and management of informants. Refer to the SID manual for a detailed guide on informant management.

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### Informant Criteria

There are three criteria that must be met to establish a person as a Sheriff's Department informant:

1. The person must be in a position to measurably assist the Sheriff's Department in a present or future investigation.
2. To the extent a prudent judgment can be made, the person will not compromise Sheriff's Department interests and activities.
3. The person will accept the measure of direction necessary to effectively utilize his/her services.

### Types of Informants:

Citizen Informants: Private citizens who are motivated to provide information or services for the public good, without reward or compensation.

Mercenary Informant: An individual whose sole purpose is to provide information or services for financial award.

Defendant Informant: An individual subject to arrest and prosecution for a State or Federal offense, or a defendant in a pending State or Federal case, who expects compensation for his/her assistance in either the form of judicial or prosecutorial consideration.

### Juvenile Informants

A person 12 years old and younger shall not be utilized.

A person 13 to 17 years old may only be used with the written consent of the parent or guardian in compliance with Penal Code section 701.5.

### Disclosure of an Informant's Identity

Depending on the type of investigation, an entity may request the handler to produce the informant, identify the informant, or produce the informant's file, in whole or in part, for review.

The Criminal Intelligence Unit (CIU) Lieutenant is the custodian of record and shall be quality assurance for the department for all concerns regarding informant files. Any requests or court orders concerning informant files must be coordinated with the CIU Lieutenant. Generally, all requests will require a court order.

The disclosure of an informant's identity, even when no prior guarantee of confidentiality was made, will be avoided whenever possible. Informant confidentiality will be thoroughly discussed with the prosecutor prior to the trial or other proceedings and any alternatives will be given full consideration.

In situations where the disclosure of an informant's identity might adversely affect the outcome of a more significant investigation, the Department may conceivably recommend dismissal of the immediate case. A decision of this nature may only be made by the handler's unit supervisor or higher-ranking personnel.

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In any case where an informant was utilized in the case investigation, the role of the informant shall be discussed with the prosecuting attorney prior to the beginning of testimony.

### **Informant Contacts**

Deputy/informant contacts will be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.

Contacts with an informant will be such that his/her knowledge of Sheriff's Department facilities, operations, activities, and personnel is kept to the minimum necessary to his/her successful utilization.

Two deputies (or a deputy and an officer of another agency) will be present at all in-person contacts with the informant.

All significant contacts with the informant, and all information obtained at these contacts, will be documented in writing.

When an informant is to participate in an undercover purchase in which he/she may come in contact with either official funds, controlled or illicit substances, or anything of potential evidentiary value, he/she will be thoroughly searched both before and after the undercover encounter, and when possible, kept under continuous observation during the operation.

### **Purchase of Evidence**

All funds allocated for the purchase of evidentiary items shall be documented in the same manner as set forth in Section 3.30 of the Departmental Policy and Procedure Manual. (09-23-21)

<b>6.63 NUISANCE/FALSE ALARMS</b>
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### **Administrative Responsibility**

The Sheriff's License Division shall be responsible for the administration of the provisions of the alarm security ordinance. The responsibility shall include but not be limited to:

- Registration of Alarm Business Agents
- Permitting of residential and commercial security alarms
- Monitoring and tracking of false alarms and nuisance alarms
- Sunset Review

### **Enforcement**



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When responding to alarm calls, patrol deputies need to make sure they use the correct disposition code. Unless an alarm is deemed valid, all alarm calls should be closed with the FA (False Alarm) disposition code. (02-12-13)

### **6.64 UNDERWATER SEARCH AND RECOVERY UNIT**

The Sheriff's Underwater Search and Recovery Unit is attached to the Emergency Services Division Reserve Support Detail. The unit is comprised of Reserve Deputy Sheriffs and Citizen Volunteers.

#### **Activation of the Underwater Search and Recovery Unit**

When water-related cases involving the loss of life, potential loss of life, or the potential destruction of evidence are encountered, the Sheriff's Communications Center should be contacted to request an emergency activation of the Underwater Search and Recovery Unit. The Communications Center shall contact the Reserve Coordinator for authorization. Requests of a non-emergency nature may be initiated by telephoning the Reserve Support Detail at the Emergency Services office and speaking to the Reserve Coordinator or submitting a Service Request via e-mail to the Reserve Support Detail. (04-11-07)

### **6.66 CHEMICAL AGENTS POLICY**

#### **Acquisition**

The Special Enforcement Detail (SED) and the Emergency Planning Detail (EPD) will be responsible for the acquisition of all non-lethal chemical agents, with the exception of OC hand-held canisters under 4 ounces and Department-approved PepperBall system projectiles. EPD will be responsible for the acquisition of non-lethal chemical agents for the Department's Mobile Field Force Platoons. OC canisters under 4 ounces will be furnished by the Department, or deputies may purchase Department approved handheld aerosol canisters from local distributors. Individual stations are responsible for the acquisition of PepperBall system munitions.

#### **Distribution**

All chemical agents and equipment under the control of SED will either be issued to authorized personnel or stored at locations approved by the SED Lieutenant. All chemical agents and equipment under the control of the EPD will be issued to trained and authorized personnel as needed. The chemical agents will be stored at a location approved by the EPD Lieutenant.

The station/facility commander, or designee, is responsible for providing replacement hand held canisters of OC under 4 oz. to the appropriate personnel.

#### **Maintenance**

Chemical agents shall be inspected annually by a member of SED. This does not include OC canisters and PepperBall munitions carried by individual deputies. Deputies are responsible for the condition of their individual OC canisters. Individual stations are responsible for the maintenance of PepperBall system munitions.

Department members shall conduct an annual inspection of their issued gas masks during required OSHA fit-testing. (11-22-19)

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**6.67 FORCED BLOOD  
DRAWS IN SPECIFIC  
INTENT CRIMES**

When a suspect is arrested during or shortly after the commission of a serious, specific intent felony, chemical samples should be obtained if there are specific articulable facts that indicate the suspect's intoxication may have prevented the formation of the requisite intent.

This is not a blanket authority to draw blood for all felony crimes. If the suspect is arrested days after the commission of the offense, a blood sample would obviously be of no evidentiary value. In the absence of a clear indication that a suspect is intoxicated, the potential usefulness of a blood sample would be diminished. A field supervisor must be consulted prior to obtaining blood samples.

Absent articulable exigent circumstances, or a valid 4<sup>th</sup> waiver, a search warrant must be obtained in order to conduct a forced blood draw. A deputy should consider the totality of the circumstances when determining whether to seek to compel a forced blood draw. In determining whether to order a forced blood draw, a deputy should consider whether the seriousness of the offense and the need for the blood sample justifies the intrusiveness of a forced blood draw.

All arrests for 11550 H.&S., 647(f) (drugs) P.C. and D.U.I. will be supported by probable cause. Reports shall clearly articulate the reason for the contact and the probable cause for the arrest. Detailed descriptions of the signs of drug influence and/or alcohol influence observed by the deputy, along with the results of any field coordination or drug influence tests conducted by the deputy, shall be included in the report.

**Voluntary Samples**

After arrest, the deputy will request the suspect voluntarily provide a chemical sample. The suspect may voluntarily provide a urine sample, a blood sample, or, in cases where alcohol is the only drug involved, a breath sample. The arresting deputy will provide the suspect with adequate time and opportunity to provide such a sample unless the suspect makes it clear that the suspect will not do so. A forced blood draw should be promptly taken once it becomes clear that the suspect cannot, or will not, provide a urine or breath sample and a search warrant has been obtained or a valid 4<sup>th</sup> waiver is in place.

**Forced Blood Draws**

A forced blood draw is when blood is taken from the suspect against the suspect's wishes.

A forced blood draw shall not be conducted when the suspect voluntarily chooses to provide a sample.

A forced blood draw should only be conducted with the approval of a supervisor.

Absent articulable exigent circumstances, if a forced blood draw is needed, a **SEARCH WARRANT** needs to be obtained prior to the blood being drawn. A forced blood draw needs to meet the following criteria:

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The suspect has been lawfully arrested.

AND

The arresting deputy has probable cause to believe that the suspect's blood has evidence related to the prosecution.

AND

Has obtained a search warrant.

OR

The suspect has a valid 4<sup>th</sup> waiver.

The blood is drawn in a medically approved manner.

If the suspect cannot, or will not, provide a voluntary sample, the suspect will be advised that a blood sample may be taken from the suspect against the suspect's will.

In D.U.I. cases, the suspect must be advised per Vehicle Code Section 13353 and the suspect must refuse to provide a chemical sample prior to a forced blood draw.

Forced blood draws will not be conducted when the crime is a misdemeanor charge unless there is a valid 4<sup>th</sup> waiver in place. 11550 H&S, 647(f) (drugs) P.C. no longer meet the requirements for forced blood draws on subjects without 4<sup>th</sup> waivers. D.U.I. is the one misdemeanor charge where a forced blood draw can be conducted by obtaining a search warrant. 1524 P.C. was amended January 1<sup>st</sup> 2014 to allow for the issuance of a search warrant to authorize the blood draw from a person in a reasonable, medically approved manner when the sample constitutes evidence that tends to show that the person has driven a motor vehicle under the influence.

### **Medically Approved Manner**

Generally, forced blood draws will be taken by the contract phlebotomists. Deputies will follow the existing procedures for contacting the contract phlebotomists. However, when a contract phlebotomist is unavailable, forced blood draws may be made by other licensed and qualified medical practitioners such as hospital nurses and certified lab technicians. The detention nurses will not participate in forced blood draws. All forced blood draws will be at the direction of, and supervised by, a deputy sheriff.

Generally, forced blood draws will be taken at a detention facility. However, the blood draw may be conducted at a hospital or at a Sheriff's Facility if there will be a significant time delay before arrival at the detention facility.

### **Use of Force**

Only the minimal force reasonably necessary to overcome the suspect's resistance may be used to draw blood against the suspect's wishes. The circumstances and the suspect's actions will govern what force is reasonable under the circumstances. Deputies should use progressive force in forced blood draws escalating the level of force based on the suspect's actions.

Deputies should use tactics and procedures that will minimize injury to the suspect, medical personnel and the deputies. A supervisor will be notified and respond to all hands-on forced blood draws. Deputies may not use force that would be excessive, tortuous or shocking. All hands-on forced blood draws will be videotaped if a video camera is available.

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### **Impounding of Sample**

The sample obtained should be tagged, logged and placed into the evidence refrigerator using existing procedures.

### **Reports**

Arrest reports should carefully document all pertinent facts including but not limited to:

The reason the sample was needed

The suspect's actions

The suspect's refusal to voluntarily provide a sample

The name of the nurse/phlebotomist collecting the sample

The time of the collection

The names of all those present when the sample was collected

The type and amount of force used

The SO-120 Use of Force Supplemental Form shall be filled out and submitted with the report. (03-05-14)

<b>6.68 CAPITAL (FIXED) ASSETS AND MINOR EQUIPMENT</b>
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Each unit, facility or station will designate a property manager. The property manager is designated to maintain the inventory, including submission of all forms related to capital assets and minor equipment within their unit, facility or station to the Financial Services Division.

The Sheriff's Financial Services Division is responsible for submitting all forms for capital assets and related correspondence to the Auditor and Controller, and for submitting all forms for sale, salvage, other disposal and related correspondence to the Department of Purchasing and Contracting.

### **MAJOR EXPENDITURE ACCOUNT CLASSIFICATIONS**

Capital Assets (items purchased out of expenditure account (54958 through 54999) Minor Equipment (items purchased out of expenditure account 52566).

### **CAPITAL (FIXED) ASSETS**

Capital (fixed) asset is tangible (e.g. machinery) or intangible (e.g. software) property acquired for use in operations that will benefit the organization for more than a single fiscal year. Unit cost,

## San Diego County Sheriff's Department – Procedure

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which excludes sale tax, freight and other additional costs, meets one of the following major asset category thresholds:

Asset Category	Threshold
Equipment	\$ 5,000
Software - Commercial Off The Shelf (COTS)	\$ 5,000
Software - Multi-Year License Agreements	\$ 50,000
Software - Internally Developed	\$100,000

### Financial Recording of Acquisition Costs

Capital assets are recorded at their historical cost. Historical cost is the unit cost plus additional costs required to place the asset in service.

Additional costs are costs incurred in the process of acquiring the asset, charges necessary to ready the asset for its intended purpose, and charges necessary to place the asset in its intended location. Additional costs include but are not limited to taxes, purchasing and contracting surcharge, installation, site preparation, and freight charges.

Warranties, replacement parts and accessories, maintenance agreements, and training are not capital assets because they are not required to put the asset in service.

### Form 253, Capital Asset Request Form

For capital assets, Auditor and Controller's (A&C) Form 253 needs to be completed by the property manager and sent to Financial Services Division for the following scenarios:

- Inter-departmental transfer (approved by chain of command)
- Loan of asset
- Update location codes and other data of the asset
- Transfer of asset to the Purchasing Agent (Director of Purchasing and Contracting) for sale, salvage or other disposal
- Trade-in of asset
- Acquisition of asset other than through purchase order or work order (e.g. P-Card purchase)
- Purchase in the incorrect expenditure account
- Return of loaned asset
- Donated asset
- Removal of unsighted capital (fixed) assets during biannual physical inventory

Form 253 must be signed by authorized signatories at Financial Services Division and submitted to Auditor and Controller.

### Capital (Fixed) Asset Tags

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Capital (fixed) asset tags are issued by the Auditor and Controller. Capital asset purchases charged to a capital asset expenditure account are captured by the Auditor and Controller via monthly reports. For newly added assets, the Auditor and Controller distributes fixed asset tags to the Financial Services Division. The property manager must affix the tag to the assigned asset. The tag should be visible and not mutilated. The asset tag acknowledgement form is to be signed by the property manager and returned to the Auditor and Controller's Projects, Revenue and Grants Accounting division within 21 days of receiving the tags.

### **Improvements and Upgrades**

Improvements and upgrades should be added to the value of the existing capital asset if they materially extend the useful life of an asset or increase the existing asset's ability to provide service (e.g. greater effectiveness or efficiency). An improvement or an upgrade must meet one of the major capital asset category threshold amounts.

### **Intangible Assets**

An intangible asset has the following characteristics: lacks physical substance, non-financial in nature, and the initial useful life extends beyond a year. A common type of an intangible asset is computer software. An intangible asset is acquired through a purchase, donation, license agreement, is internally developed or is an upgrade.

### **Vehicles and Communications Equipment**

Accountability and control of vehicle equipment is the responsibility of the Department of General Services. Communication equipment within the vehicle is the responsibility of the Sheriff's Department. The Vehicle and Communication Coordinators within the Sheriff's Department will maintain a record of vehicles and communication equipment.

The Vehicle Coordinator, Communications Center and Sheriff's Data Services will assist the Department of General Services in the procurement and requisition process by providing specifications relative to vehicles or communication equipment ordered by the Sheriff's Department.

### **MINOR EQUIPMENT**

Minor equipment is nonexpendable, tangible personal (movable and not affixed to the building or structure) property that has a useful life of more than one year. Expendable items, such as batteries, are not considered minor equipment.

Books and publications, such as California Penal Code books, are considered part of the minor equipment inventory, and must be accounted for during physical inventory. Newspaper or magazine subscriptions charges are not minor equipment. Canine acquisitions must be recorded as minor equipment.

The unit cost of equipment between \$500 and \$4,999 is classified as minor equipment. Unit cost excludes sale tax, freight and other additional costs.

Each modular furniture and fixture, such as interconnected pieces of a cubicle, will be considered as a single piece of minor equipment if the total modular unit cost meets the \$500 and \$4,999 threshold.

The property manager has been designated to submit all forms, including Sheriff's Form FSD-3, for minor equipment within their chain of command and related correspondence with Financial Services Division.

## **San Diego County Sheriff' s Department – Procedure**

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The Financial Services Division has been designated to submit all forms for minor equipment and related correspondence with the Department of Purchasing and Contracting.

### **Financial Recording of Acquisition Costs**

Minor equipment is recorded at their historical cost. Historical cost is the unit cost plus additional costs required to place the equipment in service.

Additional costs are costs incurred in the process of acquiring the equipment, charges necessary to ready the equipment for its intended purpose, and charges necessary to place the equipment in its intended location. Additional costs include but are not limited to taxes, purchasing and contracting surcharge, installation, site preparation, and freight charges.

Warranties, replacement parts and accessories, maintenance agreements, and training are not minor equipment because they are not required to put the equipment in service.

### **Minor Equipment Valued at Less Than \$500**

The Chief Finance Officer may designate items costing less than \$500 to be classified as minor equipment to comply with local, state or federal laws; and also to track and prevent any pilfering from the department. Items valued at less than \$500 that are designated as minor equipment include but are not limited to weapons, cellular phones, smartphones, tablets, laptops and hand-held radios. Other equipment may be periodically added to the list at the discretion of the Chief Finance Officer.

### **Form FSD-3, Minor Equipment Form**

Sheriff's Department's Form FSD-3 can be signed and approved by Facility Commanders and/or Managers or delegated property managers. A Form FSD-3 needs to be completed and sent to Financial Services Division for the following scenarios:

- Acquisitions of minor equipment by means of a P-Card (must include copy of invoice or receipt)
- Retirement or termination of employment of personnel with issued minor equipment including mobile devices, such as iPhones and iPads
- Intra-departmental transfer of equipment (approved by chain of command)
- Acquisition of minor equipment acquired from County's re-utilization website
- Update of location and other inventory control data for equipment
- Purchase made in the incorrect expenditure account
- Replacement of old mutilated tags
- Removal of unsighted minor equipment during biannual physical inventory

## **San Diego County Sheriff's Department – Procedure**

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### **Form 203, Transfer or Disposition of Minor Equipment**

The Department of Purchasing and Contracting's (DPC) Form 203 needs to be completed by the property manager and sent to Financial Services Division for the following scenarios:

- Inter-departmental transfer (approved by chain of command)
- Loan of equipment
- Transfer to Purchasing Agent (Director of Purchasing and Contracting) for sale, salvage or other disposal
- Trade-in
- Return of loaned equipment
- Donated equipment
- Mobile device recycling

Form 203 must be signed by authorized signatories at Financial Services Division and submitted to the Department of Purchasing and Contracting.

### **Minor Equipment Tags**

Minor equipment purchases, charged to expenditure account 52566, are reconciled monthly by Financial Services Division. For newly added equipment, Financial Services Division distributes alpha-numeric minor equipment tags to the unit's property managers. If the description of the equipment purchased is unintelligible, the property manager of the unit purchasing the equipment will be required to provide an alternate description that is comprehensible prior to issuing new equipment tags. Minor equipment tags are not issued for books and publications. The property manager should affix the assigned tag to the asset listed as minor equipment for proper identification, better control, and ease of disposal. The tag should be visible and not mutilated.

Minor equipment tags are color-coded based on the Fund they were purchased in the following:

- Green – General Fund.
- Maroon – Inmate Welfare Fund.
- Red – Asset Forfeiture Fund.
- Blue with Yellow Font – Jail Stores Commissary Enterprise Fund.
- Orange – Grant-Funded equipment.

### **Weapons Training Unit**

Weapons, Tasers, and body armor will be reported as minor equipment. Inventory maintenance will be under the control of Weapons Training Unit, and will be governed by Sheriff's Department's P&P sections 3.29 Soft Body Armor and 8.9 Army.

### **Computer or Data Processing Equipment**



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Computer or data processing equipment are governed by Sheriff's Department's P&P sections 6.108 County Credit/Procurement Card (P-Card) Usage and 6.21 Automation: Departmental Systems.

### **Cell Phones and Other Wireless Electronic Devices**

Cell phones, tablets and other mobile devices will be reported as minor equipment. Inventory maintenance and salvage or disposal will be under the control of Financial Services Division, and will be governed by Sheriff's Department's P&P section 7.4 Cellular Phone/Other Wireless Electronic Device Assignments.

## **ACQUISITIONS OF CAPITAL (FIXED) ASSETS AND MINOR EQUIPMENT**

### **Authorization for Acquisitions**

The Director of the Department of Purchasing and Contracting is the sole Purchasing Agent. No procurement action may be initiated by any department employee without a properly authorized purchase requisition from the Department of Purchasing and Contracting.

Except in cases of an emergency, the Purchasing Agent shall make all purchases for the County. In the event of an emergency, prior written or verbal authorization from the Director of the Department of Purchasing and Contracting is required for any emergency procurement.

The Contracts Division has been designated to complete all purchase requisitions submitted to the Department of the Department of Purchasing and Contracting. All procurements or acquisitions must be approved by Facility Commanders and/or Managers of the operating units. Following established internal control procedures, requisitions are approved by Financial Services Division in the County's Oracle financial system.

### **Acquisitions through County Credit/Procurement Card (P-Card)**

Capital (fixed) asset acquisitions by means of a P-Card are strictly forbidden.

For minor equipment acquisitions by means of a P-Card, the unit's property manager must submit a copy of invoice or receipt along with Form FSD-3 to Financial Services Division by the end of the following month from the purchase date.

Minor equipment acquisitions through P-Card are governed by Sheriff's Department P&P section 6.108 County Credit/Procurement Card (P-Card) Usage.

### **Acquisitions through Trade-In**

The Department may trade in surplus asset or equipment for credit toward a purchase. Prior to any trade-in, the Auditor and Controller's approval for capital assets or the Department of Purchasing and Contracting's approval for minor equipment must be obtained by submitting the

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Auditor and Controller's Form 253 (capital assets) or the Department of Purchasing and Contracting's Form 203 (minor equipment) to Financial Services Division.

During the requisitioning phase, Contracts division will notify the Department of Purchasing and Contracting of the intent to use a trade-in to reduce the cost of a replacement asset or equipment.

### **Seized Assets and Equipment**

Under Federal and State law, civil assets and equipment may be seized and forfeited to the Sheriff's Department. Upon receipt of the asset or equipment, A&C's Form 253 (capital assets) or DPC's Form 203 (minor equipment) needs to be completed and submitted to Financial Services. The effective date for recording the transfer is the date that the County receives the title.

All assets and equipment should be recorded at fair market value (acquisition cost for the department would have had to incur). The seized assets and equipment are separately identified due to restrictions applied to their usage and the proceeds from the sale.

When a forfeited asset or equipment is sold, the proceeds should be deposited in the appropriate Asset Forfeiture Fund. The use of the cash proceeds is subject to the same restrictions as other assets in the Fund.

### **Gifts and Donations**

Donations are defined as a voluntary non-exchange transaction entered into willingly by two or more parties. Upon receipt of the asset or equipment, A&C's Form 253 (capital assets) or DPC's Form 203 (minor equipment) needs to be completed and submitted to Financial Services Division.

Capital (fixed) assets or minor equipment that are donated to the Sheriff's Department or purchased at a nominal price should be recorded at their fair market value (acquisition cost for the department would have had to incur) as of the date of the acceptance by the Sheriff's Department.

Gifts and donations are governed by Sheriff's Department's Procedure section 3.39 Donations/Solicitation.

### **Distribution and Payment of Acquisitions**

The distribution point of requisitioned goods is predetermined by the operating unit. The distribution point is designated in the following: the purchase order requested by Contract/Procurement Division; a release against a Blanket Purchase Agreement (BPA) requested to and submitted by Financial Services Division's Accounts Payable; or the delivery order if procured through the use of P-Card for minor equipment only.

Blanket Purchase Agreements (BPA) and sub-orders called releases are purchasing agreements between the County and a single vendor. A BPA typically would be an agreement on the unit price for goods or services over a specific time frame.

Designated Sheriff's Department personnel in the operating unit must validate if goods received were in compliance with quality and quantity as specified in the purchase order, a BPA release or the P-Card delivery order. The operating unit's validation of goods received must be confirmed

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by signing and approving invoice with ok to pay. Invoices for goods not procured through the use of P-Card must be submitted to and processed by Financial Services Division's Accounts Payable.

### **Assets and Equipment Loaned to Others**

Assets owned by the Sheriff's Department and loaned to another department or outside agency should be coded as being loaned. The borrowing and loaning department must complete and submit Form 253 (capital assets) or Form FSD-3 (minor equipment) to Financial Services Division in order to code the asset or equipment as loaned in the unit's active inventory listing and in Oracle financial system.

During a physical inventory, the property manager must verify that assets and equipment still remain in the borrower's possession. The property manager is still responsible for the loaned assets and equipment.

### **INVENTORY RECORDS RETENTION**

All forms and records related to asset or equipment acquisitions, transfers and disposals shall be retained by organizational units for a period of 3 years in accordance with the County's Global Retention Policy, and to support the accuracy and completeness of inventory records and reports.

### **PHYSICAL INVENTORY OF CAPITAL (FIXED) ASSETS AND MINOR EQUIPMENT**

Every two years during the month of January, the Sheriff's Department must take physical inventory of fixed (capital) assets and minor equipment. Facility Commanders and/or Managers are responsible for inventorying assets and equipment within their chain of command. This activity may be delegated to the unit's property managers.

The bureau's Assistant Sheriff is responsible for the review and approval of the inventory submitted by the Facility Commanders and/or Managers within their chain of command. After the Assistant Sheriff's review and approval, the approved inventory list should be forwarded to the Financial Services Division. The Financial Services Division's Finance Officer is responsible for compiling and finalizing the Department's inventory report. The department head (Sheriff) or delegated authority (Chief Finance Officer) must sign and certify all physical inventories by April 30<sup>th</sup> of the inventory year.

### **Location of Unsighted Asset and/or Equipment During Physical Inventory**

Facility Commanders and/or Managers or delegated property managers should continue attempting to locate unsighted capital (fixed) assets and minor equipment reported on their physical inventory package.

For unsighted capital (fixed) assets, the Department has 6 months to locate any missing assets from completion of the inventory.

If minor equipment is not found, the property manager should submit a Form FSD-3 along with a copy of Sheriff's Form SO-5 to Financial Services Division, which will remove unsighted minor equipment from the area of command's active inventory listing.

### **Form SO-5 Report of Missing, Damaged or Stolen Issued Equipment**

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If asset and/or equipment is lost or stolen, a copy of Sheriff's Department's Form SO-5 (filed with Personnel Division) must be forwarded to Financial Services Division for recordkeeping and audit purposes. Lost or stolen assets are governed by Sheriff's Department P&P section 6.28 Reporting Missing, Damaged or Stolen County Property.

### **Form 243, Capital Assets Exception List**

For inventory of capital assets, Auditor and Controller's (A&C) Form 243 needs to be completed by the property manager and sent to Financial Services Division for the following scenarios:

- Asset listed on Fixed Asset register report but not sighted
- Asset sighted but not listed on Fixed Asset register report
- Asset loaned to other Department
- Asset on loan from other Department

### **Materials and Supplies Inventory**

A materials and supplies inventory must be conducted by all organizational units at each fiscal year-end for fire insurance purposes. Materials and supplies consist of but are not limited to stationery, pens, copy paper, printed forms, and miscellaneous supplies. Opened packages costing less than \$25 are excluded from inventory.

### **DISPOSAL OF CAPITAL (FIXED) ASSETS AND MINOR EQUIPMENT**

Disposal of assets and equipment must conform to the procedures established by the Department of Purchasing and Contracting, either by re-utilization, auction sale, or scrap disposal.

Surplus capital (fixed) assets and minor equipment may be redistributed to other County departments, sold or donated to non-County entities, or used as a trade-in toward another County purchase. Disposal of County assets and equipment includes but is not limited to transfer, removal, disposal, and impairment.

Surplus assets or equipment with sale or salvage value must be posted on the Department of the Department of Purchasing and Contracting's re-utilization website for five full business days, unless re-utilization is restricted by the funding source of the original purchase. Pictures of the surplus assets or equipment must be included in the posting.

Prior to disposal of property, approval must be obtained by submitting A&C's Form 253 (for capital assets disposal) or DPC's Form 203 (for minor equipment disposal) to the Financial Services Division.

### **Inter-Departmental Transfer of Ownership**

Assets and equipment can be transferred to other County departments. The Financial Services Division should be contacted to transfer ownership of assets and/or equipment.

### **Sale of Capital Assets and Minor Equipment**

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The Department of Purchasing and Contracting's Property Disposal unit will arrange to sell surplus capital assets and minor equipment, which have been available for screening in re-utilization website but were not selected for inter-departmental transfer of ownership.

When a capital (fixed) asset is sold, proceeds received should be recorded in the unit's revenue account 48315, Gain on Sale of Fixed Assets.

### **Unsalable Assets and Equipment**

Before salvaged assets or equipment can be delivered to the County's Property Disposal unit, property manager must submit disposal forms, A&C's 253 for capital assets and/or DPC's 203 for minor equipment, to authorized signatories at Financial Services Division.

County-owned assets and equipment that are restricted from sale by law, regulation, or code; County-owned assets and equipment determined to be unsalable; and assets or equipment deemed unsuitable for sale to the general public may be scrapped, sold for refurbishment, or donated to charitable organizations in lieu of discarding such property.

Non-working electronic or universal wastes may not be sold or transferred unless they are transferred to another universal waste handler who has provided a written agreement of acceptance to the County. Mercury containing devices such as gauges, thermostats, sphygmomanometers, thermometers, etc., may not be sold and must be managed in accordance with California Code of Regulations Title 22 §66273.

### **Donation of Surplus Assets and Equipment**

Donation of county surplus assets and equipment to charitable organizations or public organization in Republic of Mexico can only be made upon approval from the County's Purchasing Agent (Director of Purchasing and Contracting). Therefore, all donations must be coordinated with the Financial Services Division to obtain proper authorization.

Charitable organizations shall mean a nonprofit organization exempt from taxation under the provisions of the Internal Revenue Code, 26 U.S.C. 501(C)(3), whose primary purpose is public service, or a Republic of Mexico registered public organization promoting economic and social well-being in the border region.

### **Impairments of Assets and Equipment**

Impairment is indicated when events or changes in circumstances suggest that the service utility of the asset or equipment may have significantly and unexpectedly declined. Common indicators of impairment include but not limited to physical damage; change in legal or environmental factors; changes in manner or duration of use; and development stoppage of computer software.

Impairments are generally considered permanent. If the impairment is permanent, the property manager must submit Form 253 (capital assets) or Form FSD-3 (minor equipment) to Financial Services Division.

### **Disposal of IT Equipment**

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Disposal of computers and other non-working IT equipment owned by the Sheriff's Department must be coursed through Data Services Division. All sensitive and county operational materials must be wiped or removed from the equipment, before these could be salvaged and donated in accordance with Board of Supervisors Policy A-94. (Revised 01-09-19)

### **6.69 PETTY CASH FUND**

Petty Cash Funds are authorized for making expeditious purchases of small miscellaneous items through the use of cash. The Auditor and Controller is authorized to establish, increase, decrease, or discontinue Petty Cash Funds for County officers and department heads per Administrative Code Section 91.8 and Government Code Section 29320.

The decision to purchase an item with petty cash funds is determined by the cost of the item and the nature of the need. Petty cash is generally limited to making change for County business purposes or for purchases of \$100 or less. For example stamps, postage, pencils, pens, parking fees and other small service and supply items. Merchandise that can be purchased with a P-Card or through County contracted suppliers (Blanket Purchase Orders), such as Office Max, should not use petty cash.

Services and supplies items which are not authorized expenditures or exceed \$100 shall not be paid out of petty cash. Examples are personal items such as cards, flowers, frames for personal certificates, Christmas decorations, etc. Food or drink items shall not be purchased with petty cash, unless related to an approved Travel or Non-Travel Expense Claim. Prepayments for travel should not be made from the petty cash fund.

Replenishment of petty cash funds should not occur more than once per week. Form FSD-100 (Petty Cash Summary Sheet of Expenses) must be completed and should list items reimbursed with petty cash since the last reimbursement request. Each item on FSD-100 should detail the departmental receipt number, Project, Org, Expenditure Type, Task, Award (POETA), amount of the receipt, date of the receipt, and description of the transaction. Each reimbursement request (FSD-100) should be signed by the Petty Cash Custodian, approved by the supervisor, and forwarded to Financial Services Division for reimbursement.

Original, itemized invoices /receipts should be obtained when expending petty cash funds. A departmental receipt form must be submitted for each invoice/receipt and must show the POETA; what was purchased and justification for the reimbursement if needed; date of purchase; signature of purchaser; amount; and supervisor's signature.

Meal reimbursements for internal business meetings where only Sheriff's personnel are participating are generally prohibited. Exceptions to this rule are considered an Unusual Business Expense per County Administrative Manual Section 0200-01 and will require justification and approval by the Undersheriff.

In-county training and non-travel expenses amounting to less than \$100.00 shall be paid out of Petty Cash. The claim shall be prepared on the "In-County/Non-Travel Reimbursement Claim Form

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(ORCAP022) and submitted to Travel Desk in Financial Services Division, for review and approval. The claim should be submitted with itemized invoices /receipts, training flyer or agenda, and list of attendees. The form will then be forwarded to the Auditor & Controller for payment or reimbursement.

### **Station Change Fund**

If approved, a station/substation/facility/division may be issued a change fund in the amount of \$50.00.

The change fund is strictly cash for the specific use of authorized personnel to make change. No expenditures or IOU's are permitted.

### **Petty Cash Audit**

Each month a Petty Cash Audit Report (form FSD 101) must be completed covering the prior month's Petty Cash Fund activity. The audit should be performed by the Petty Cash Custodian's Supervisor, approved by the station /facility/unit commander or manager, and submitted to the Financial Services Division no later than the 15th day of the current month.

The Financial Services Division will review the document for accuracy and keep a copy on file for audit purposes. (04-02-14)

<b>6.70 BOAT/BEACH INCIDENTS</b>
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The state owns and has jurisdiction of all land from the mean high tide line to three miles out from the low tide line, including all mineral and salvage rights unless otherwise granted. Within San Diego County, all cities and the military (including Camp Pendleton) have control only above the mean high tide line. If any person or agency contacts the Sheriff, we will accept jurisdiction over the property. The nearest Sheriff's station will be responsible for the incident.

### **Communications Center - Request Regarding Beach Property**

When the Department becomes aware of beached property, the Communications Center shall dispatch a patrol unit to the scene to evaluate the situation, safeguard the property and assist any stranded persons. If it is a major case, the patrol sergeant and the station commander should be notified.

### **Patrol Responsibility**

The patrol unit may take the following actions depending upon the type property:

- Safeguard the property and assist with aiding any occupants.
- Attempt to locate an owner or agent to accept responsibility for the property. Boat numbers can be run through the Coast Guard and the Department of Motor Vehicles.
- If no owner/agent is available and the property is small (boat under 22 feet, etc.), a regular impound report can be made and the property picked up and stored. This may require using a regular tow company, a van and storage company, or a regular boat repair company to pick up the property. This property will be disposed of under regular lien procedures if no owner

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or agent is located.

- For large items, it may be necessary to assign a guard at the scene pending further arrangements to tow the item or locate the owner/agent. (06-12-98)

### **6.71 CRIME CASE REPORTS**

A Crime/Incident Report shall be completed for the following Uniform Crime Reporting part-one, part-two crimes, and listed incidents:

#### **Part 1 Crimes:**

Homicide  
Rape  
Robbery  
Assault, Felony and Misdemeanor  
Burglary  
Larceny/Theft, Felony and Misdemeanor  
Auto Theft  
Arson

#### **Part 2 Crimes:**

All other reported felony crimes  
All other reported misdemeanor crimes

#### **Incidents (non-crimes)**

Domestic Violence Incidents  
Lost/Found Property  
Death Investigations (Includes industrial accidents if death occurs)  
Suicides  
Attempted Suicides  
Deputy caused property damage (Damage done by a deputy during the course of his/her duties i.e.: forced entry for medical emergencies, check the welfare calls, search warrant service, etc.)

#### **Arrests**

When the only crime victim is the State of California, e.g., narcotics arrests, etc., and an arrest has been made, a Crime/Incident Report Form will not be required on felony and misdemeanor arrests. Only the Arrest Report or Juvenile Contact Report is needed.

#### **Courtesy Reports**

When a deputy writes a Courtesy Report for another agency(ies) or Sheriff's station, he/she will tell the reporting party that the report will be forwarded to the agency or Sheriff's station of jurisdiction. The deputy will attempt to notify the correct agency by telephone and FAX or e-mail the report to the appropriate jurisdiction if possible. The original report will be forwarded through the U.S. mail to the agency of jurisdiction. Messenger mail may be utilized to route reports between Sheriff's stations.



### Deputy's Reports

An Officer's Report may be completed to report a miscellaneous incident or provide supplemental information when appropriate. (11-06-14)

<b>6.72 SHERIFF' S EMPLOYEE ID NUMBER</b>
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### Policy Statement Only

<b>6.73 PERSONNEL ID PROGRAM</b>
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The authorized means of identification is as follows:

- Uniform

The established authorized uniform of this department or the authorized uniform of the respective outside agency represented. (Law enforcement only).

- Badge

The authorized uniform badge of this Department or the authorized uniform badge of the respective outside agency represented. The badge shall be worn in a manner that is clearly visible. (Law enforcement only).

- Identification Card

The authorized identification card of this Department or the authorized identification card of the respective outside agency.

The identification card shall be worn in a manner that is clearly visible.

- Visitor's Pass

The authorized visitor's pass of this department shall be issued for the purpose of temporary identification in the event none of the aforementioned means of identification are in possession. The visitor's pass shall be worn in a manner that is clearly visible.

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

- Visitor's Log

A visitor log form shall be filled out at the time of entry which contains the date of the visit, the time in, agency or address, purpose of the visit, and the visitor pass control number. When terminating the visiting, the time out shall be logged and the visitor pass shall be returned.

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The visitor's log forms shall be maintained on file within the command for a period of no less than 90 days.

NOTE: Outside members of other organizations who service this Department such as County maintenance, utility companies, vendors, etc. must display an organization identification card while within Sheriff's facilities if they possess one. The uniform of a non-law enforcement organization, such as a vendor, will not constitute identification in itself. In the event no identification card is in their possession, a visitor's pass shall be issued.

EXCEPTION: This procedure is optional for Sheriff's detention facilities only who may utilize previously established identification procedures.

### Identification Responsibilities

These sections are the minimum standards for personnel identification. It is the option of each facility commander to set the degree of security/identification at a level deemed necessary above these minimum standards.

Any member of this Department may challenge any person not properly displaying identification as required by this procedure. (07-31-98)

### 6.75 POLITICAL ASYLUM

If contacted by a person requesting political asylum, the deputy should place them in a safe place and contact an Immigration and Customs Enforcement (ICE) agent for further direction. If the person has been arrested and is being charged with a crime, the deputy should book the person into jail as usual and contact the ICE agent at that facility. The ICE agent will then notify the "status" officer for that agency and the Citizenship and Immigration Service will look into the subject's eligibility for asylum status. (If the charge involves a cite and release, the deputy should process that incident and contact an ICE agent for further direction regarding the request for asylum). The deputy should notify their supervisor of the asylum request as soon as it is practical. No statements shall be given to the media in reference to any incident involving political asylum. (10-01-08)

### 6.76 CITATION AMENDMENT AND DISMISSAL

#### Citation Amendment/Dismissal

Under no circumstances shall the face of a citation be marked or altered after it has been issued.

- A citation requiring amendment/dismissal shall be done on a "Citation Amendment/Dismissal Form" (PAT 3) by the issuing deputy under the supervision of his/her supervisor.
- When, in the interest of justice, the issuing deputy determines the citation should be amended or dismissed the following procedure will be followed:

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A "Citation Amendment/Dismissal Form" (PAT 3) will be completed stating the reason for the amendment or dismissal.

The issuing officer will sign and date the "Citation Amendment/Dismissal Form".

The "Citation Amendment/Dismissal Form" will be reviewed by a supervisor and forwarded to the appropriate agency as follows:

Notice to Appear - Magistrate of Court of Jurisdiction.

Parking Citation (City) - City Manager or designee.

Parking Citation (County) - LES Operations Support Lieutenant.

### Voiding a Citation

A citation may be voided prior to issuance for a variety of reasons such as an error on the citation, receipt of a higher priority call, a decision to arrest rather than cite, or many others. The following procedures shall apply:

- Write "VOID" in large letters across the face of the citation and sign it. Enter the reason for voiding on the reverse side of the citation. All copies of the citation must be attached.
- In the case of city parking citations, if a void form is requested by the city, use of that form shall meet the intent of this procedure.
- The voided citation, with all copies attached, shall be filed at the station and retained for a minimum of two years. (05-12-22)

### 6.78 STRANDED MOTORIST ASSISTANCE

*If it is not safe and practical to stop, the deputy will notify the Communications Center dispatcher to contact the agency having jurisdiction and provide them information of the location, description of vehicle, and the apparent nature of the motorist's needs. If it is apparent that the motorist requires emergency assistance, the deputy will return to that location as expeditiously as possible to assist. (10-30-98)*

### 6.83 RECORDS MAINTENANCE BY OPERATIONAL UNITS

The Sheriff's NetRMS (Internet Records Management System) Program shall be the central repository for all original crime reports, incident reports, arrest reports, juvenile contact reports, emergency referral reports, traffic accident reports, and impound reports. Sheriff's stations shall be responsible for entering the reports into NetRMS while the records & ID Division shall be responsible for maintaining the records and performing Quality Assurance checks to verify the accuracy of the reports. The retention of these records shall be governed by the California Government Code and or a Board of Supervisors Resolution.

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Sheriff's Stations shall ensure that crime reports, incident reports, arrest reports, juvenile contact reports, emergency referral reports, traffic reports, citations, field interviews, and all pertinent information is entered into NetRMS.

Sheriff's Stations shall maintain the original pawn slips, dealer's record of sale for guns, and PR1 payroll slips.

Investigators may maintain case files on individuals or incidents assigned for investigation in hard copy, however the case management shall be maintained in NetRMS.

The Criminal Intelligence Detail may keep intelligence files on criminal activity as defined by the guidelines on Criminal Intelligence files distributed by the California Department of Justice.

All copies of reports maintained within the operational components will be kept a minimum of one year. Each component, depending upon its needs, may establish a longer retention period for their records. This will be done with the approval of the bureau commander.

Copies of all case files with an open investigation will be maintained at the operational component level until the case is inactivated.

The following types of reports will be maintained in the operational components:

- Deputy's Report

In cases where a supervisor requests a deputy's report unrelated to an incident or crime (e.g., late for work), the deputy's report will be maintained at the operational component for a period of two years. Each station will maintain an in-house numbering system with the last two digits of the year, numbering of report in ascending order between 001-999 and the designated letter code for the station. EXAMPLE: 96-001 (Year 1996, Report#001, Station Vista).

- Investigative/Follow-up Reports

All investigative/ follow-up reports will be entered into NetRMS.

- Intelligence Reports

All intelligence reports originating from the Special Investigations Division will be maintained by that detail for the duration of the investigation. The operational component commander may at his discretion retain the files for a longer period of time.

- Traffic Citations

Copies of all traffic citations will be maintained at the operational component for a period of two years.

The original traffic citation will be forwarded to the court having jurisdiction.

- Field interviews

Field Interviews shall be entered into NetRMS.

- Pawn Slips

The operational components shall maintain the pawn slip copy for two years.

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In those instances where the person pawning the property lives outside the Sheriff's jurisdiction, the operational component shall forward a copy of the pawn slip to the agency having jurisdiction where the person resides.

- Dealer Record of Sale for Guns

The operational component shall maintain concealable firearms copy for one year, and destroy copies of rifle sales after 5 days.

In those instances where the purchaser lives outside the Sheriff's jurisdiction, the operational component shall forward a copy of the pawn slip to the agency having jurisdiction over the purchaser's home address.

- Mileage Sheets

The Payroll Unit shall maintain the original mileage sheets for two years.

- Payroll Slips

The operational component shall maintain the original Payroll slips for 6 months based on direction and authority of a County Resolution. (02-12-13)

<b>6.88 SPECIAL INVESTIGATIONS CRIMINAL REPORTING</b>
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It is the responsibility of all Department personnel to participate in the intelligence gathering effort. Any member of the Department shall contact the Criminal Intelligence Detail directly to report any information pertinent to the areas listed below for advice, case direction and support.

- Any individual or organized criminal group suspected of being involved in but not limited to:
  - Extortion
  - Solicitation to commit murder or great bodily harm
  - Reported thefts of large amounts or unusual types of explosives or firearms
  - Prostitution
  - Pimping and Pandering
  - Pornography and Obscenity
  - Alcohol Beverage Control Act violations
- Any organizations which threaten, attempt, plan, or perform acts of terrorism or perform acts disruptive to the public order.
- Organizations which possess or attempt to acquire quantities of arms, ammunition, or explosives for the purpose of causing disruption of the public order or any other illegal acts.
- Motorcycle gangs involved in illegal activities.
- Organizations whose primary purpose is sustaining, or financing organizations described above.
- Any individual who is a suspected member of any criminal gang, or organization.

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- Any individual who threatens, attempts, plans, or performs any act of terrorism.
- Any individual who threatens, attempts, plans, or performs any illegal, or disruptive act which involves the use of any weapon, explosive, or similar device.
- Any threat of physical harm against Sheriff's Department employees. Section 3.25 in the Manual of Policies and Procedures outlines specific steps to be taken. This section also details specific procedures when threats of physical harm are directed against the Sheriff or his Executive Staff.
- Stolen or lost law enforcement vehicles (marked/unmarked)
- Stolen or lost law enforcement uniforms
- Stolen or lost law enforcement badges and I.D. cards
- Stolen or lost law enforcement communications equipment

All members of this Department should be aware that it is a criminal offense (Penal Code Section 335) for a Sheriff or his deputies to refuse or neglect to "inform against" or "diligently prosecute persons whom they have reasonable cause to believe" are involved with gambling or bookmaking activities. Any member of this Department who encounters any type of criminal activity listed in the California Penal Code: Part 1, Title 9, Chapter 10, Sections 330 through 337 shall submit a written report of notification to the Department Criminal Intelligence Detail where a supervisor will assign the referral to an investigator for further action and appropriate disposition.

### **Task Force Narcotic Detail**

It is the responsibility of all Department personnel to participate in the effort to suppress the illegal sale and distribution of controlled substances. Any member of the Department who encounters such activity or has information regarding such activity shall submit a written report of notification to the Department

Narcotics Detail. A supervisor will assign the referral to an investigator for further action and appropriate disposition.

### **Street Narcotic and Gang Detail**

It is the responsibility of all Department personnel to participate in the effort to suppress the illegal sale and distribution of controlled substances at the street level. Any member of the Department who encounters such activity or has information regarding such activity shall submit a written report of notification to the Special Investigations Division. A supervisor will assign the referral to an investigator for further action and appropriate disposition of controlled substances.

### **Terrorism Early Warning Unit/Joint Terrorism Task Force**

It is the responsibility of all Department personnel to report any unusual or suspicious activity that may have a nexus to terrorism, whether or not they deem such information to be a credible or viable threat. Any member of the Department who encounters such activity or has information regarding such activity shall submit a Suspicious Activity Report (SAR) to the San Diego Law Enforcement Coordination Center (SD-LECC) via their website at: <http://sd-lecc.org> or <https://sd-lecc.org>

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Urgent matters indicating an imminent threat shall also be reported to the San Diego FBI Office - Joint Terrorism Task Force (JTTF) at (858) 320-5380 or calling the SD-LECC watch center at: (858) 495-7200. (Revised 01-18-19)

### **6.90 VOLUNTEER PATROL PROGRAM**

#### **Program Definition**

A force of Senior Citizen Volunteers (minimum age 55 years) which augments and assists regular patrol deputies in contract cities and in the unincorporated areas of San Diego County.

Duties do not include or involve bonafide law enforcement crime activities or law enforcement criminal investigative activities such as transporting of prisoners, the conduct of or assisting in the conduct of curb side lineups, transporting of evidence, firearms or contraband, etc., or the routine conduct of mundane activities such as transporting paper documents, reports, etc.

Each Sheriff's station and substation shall have a Volunteer Patrol Program and shall designate a VPP Coordinator.

#### **Duties**

- The Volunteer's duties may include, but are not limited to:
  - Vacation home checks
  - Checking on the homebound as part of the "You Are Not Alone" Program
  - Issuing handicap parking citations
  - Abating abandoned vehicles
  - Traffic control
  - Assisting deputies, detectives, crime prevention and professional staff
  - Assisting citizens with directions and information
  - Fingerprinting
  - Reporting suspicious persons and activity
  - Reporting graffiti and other deficiencies
- The above noted duties may be assigned or deleted to accommodate the needs of a particular community.
- Modification of the prescribed duties must be approved by the Commander responsible for the program. (10-01-98)

### **6.91 CRIME PREVENTION PROGRAM**

All employees should be involved in community affairs and bring information of community concerns to the attention of their supervisor.

#### **Crime Prevention Policy Committee**

The Department Crime Prevention Policy Committee will consist of the Crime Prevention Coordinator and the Crime Prevention Supervisor from each station.

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The Committee shall be responsible for making recommendations to the bureau commander to facilitate the coordination and standardization of crime prevention policies and procedures and training throughout the Department.

The Committee will act as an advisory board for proposed crime prevention programs or modifications of existing programs in the Sheriff's jurisdiction.

The Committee will convene as directed by the Crime Prevention Coordinator, to review crime prevention policy and procedure, and related issues. (10-30-98)

### **6.94 SERIOUS HABITUAL JUVENILE OFFENDERS**

Text deleted 10-01-08

### **6.95 CRIMINAL CASE REJECTIONS: REVIEW PROCEDURE**

Division commanders or their designees will ensure each complaint rejection is analyzed for legal/procedural improprieties and/or any necessary follow-up investigation.

Copies of complaint rejections will be retained at each command and be available to all sworn personnel as a training aid.

Copies of individual case rejections will be forwarded to the reporting/arresting deputy, and to an appropriate supervisor. The supervisor and the deputy will critique each rejection, with the goal of improving performance and identifying training needs. (10-01-08)

### **6.96 EMERGENCY NOTIFICATION OF NEXT OF KIN**

- Deceased Persons

Notification of the next-of-kin in situations of death should be handled by a representative of the County Medical Examiner's Office.

- Seriously Injured or Ill Persons

Notification or contact with next-of-kin in situations involving hospitalized persons should be handled by a representative of the hospital administering aid to the injured or ill person.

- Special Requests



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Should any outside agency specifically request assistance from this Department to "deliver an emergency message", sufficient information should be obtained to answer those obvious questions which might be asked by the next-of-kin.

In cases of death where notification is requested from an outside agency, it is recommended, that if possible, the request be referred to the County Medical Examiner's Office. (07-31-98)

### **6.97 DOMESTIC VIOLENCE INCIDENTS**

#### **Calls Received Regarding Domestic Violence**

- Personnel receiving calls for assistance where the potential for domestic violence exists shall obtain a sufficient amount of information from the caller and ensure that law enforcement personnel respond to the call in a proper and timely manner. When warranted, a domestic violence incident call will be given the same priority as any other life threatening call.
- Calls for assistance may include, but are not limited to: Telephone calls, citizen contacts, or information received from other law enforcement agencies.
- No employee of this Department when speaking with a victim of domestic violence, will discuss the victim's desire to "press charges," "drop charges," or prosecute. Any comment or statement which seeks to place the responsibility for enforcement action with the victim is inappropriate. If a protective or restraining order has been issued, employees should be aware that there is nothing the victim can do to invalidate the order.
- The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of the personnel, dispatchers or 911 operators. All personnel shall advise the victim to ensure their safety in any way possible, including but not limited to, waiting for deputies at a friend's house, or simply leaving the residence if the batterer may return.

Additional information may be found in the Patrol and Detective Operations Manuals.  
(Reviewed 12-30-13)

### **6.98 RESERVE DEPUTY SHERIFF DUTIES, RESPONSIBILITIES AND DEPLOYMENT**

All San Diego County Reserve Deputy Sheriffs are unpaid volunteers who work with full-time salaried patrol deputies in the performance of their duties.

The type of duty assignments a Reserve may be assigned to are defined by Penal Code section 832.6, the Peace Officer Standards and Training (POST), the Sheriff's Department Policy and Procedure, and their level of training.

The Reserve Deputy's role in the patrol function is to support the sheriff's station and the deputies who are working patrol. Duties assigned to Reserves are based on classification levels established by POST as well as Penal Code Section 832.6. There are three classifications of Reserves (Level I, Level II and Level III). Each classification has its limitations of assignments. Based on classification of the Reserve Deputy, the station may deploy the Reserve Deputy in any of the following patrol functions:

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- enforcement activity
- prisoner transports
- responding to calls for service
- responding as a cover deputy
- being a secondary deputy riding in a patrol vehicle
- providing security checks
- traffic control
- taking reports of minor crimes and issuing traffic or parking citations.

Use of a Reserve Deputy in an assignment that may cause excessive court time is discouraged as it often creates conflict with their regular employment.

If asked, dispatched, or assigned a position or job outside the scope of their level, it is the Reserve Deputy's responsibility to inform / notify the individual making the request.

All San Diego County Reserve Deputy Sheriffs are recognized as peace officer only when working in a capacity as set forth below.

The three levels of classification for Reserve Deputies are:

### **Level I Reserves**

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

### **Level II Reserves**

Level II Reserve Deputies require immediate supervision by a full-time peace officer, or Level I Reserve who has completed the POST regular basic course. They will commonly be assigned to a station to perform general law enforcement duties. They must complete Phase II of the department's Field Training Program with a full-time salaried field training officer or full-time salaried non-probationary deputy.

Level II Reserve Deputies may work those limited assignments authorized for Level III Reserve Deputies without immediate supervision. A Level II Reserve working as the second person in a marked unit shall not drive during a patrol assignment unless they have completed the POST certified Emergency Vehicle Operations Course (EVOC). A Level II Reserve working as the second deputy in a marked patrol unit may leave their partner to transport a prisoner for the arresting deputy. Upon completion of the prisoner transport, the Level II Reserve Deputy must rejoin their partner and finish the shift as the second deputy in the patrol unit.

"Immediate supervision for Level II reserves" means the reserve officer acts under the direction of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission, and is routinely in the physical proximity of and available to the reserve officer; however, allowance is permitted for necessary temporary separations. [POST Commission Procedure H-1-2(e)]

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

### **Level III Reserves**

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

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

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

### **DISPATCH GUIDELINES FOR LEVEL I RESERVES**

When possible, reserve patrol units should be dispatched according to the following guidelines:

#### **Calls for Assistance - Non-Violent**

A Reserve Deputy should not be dispatched as a primary responder unless no full-time salaried deputy is available, and it is impractical to hold the call.

#### **Serious Crimes - Not Occurring Now**

This would include crimes of an extremely sensitive nature as well as those crimes requiring a complete preliminary investigation.

A Reserve Deputy should only be dispatched as a cover unit. However, if no full-time salaried deputy is available, a Reserve Deputy may be dispatched as a primary unit. The Reserve Deputy's role is to contact the reporting party and preserve the scene until a full-time salaried deputy arrives.

#### **Violent Situations or Crimes in Progress**

A Reserve Deputy should only be dispatched as a cover unit. However, if no full-time salaried deputy is immediately available, a Reserve Deputy may be dispatched as a primary unit to stabilize the incident pending the arrival of a full-time salaried deputy.

### **COURTS**

All Levels of Reserves can be assigned to work in the Court Services Bureau (CSB) within the limitations and guidelines listed in this policy. This assignment is with CSB command approval.

### **RESERVE TRAINING**

All Level I and Level II Reserves on the San Diego County Sheriff's Department shall participate the department's specific Continuing Professional Training (CPT) cycle every two years. Outside CPT training such as ARPOC or on-line courses may meet POST requirements but will NOT meet the department requirement of agency specific CPT training.

Level I Reserves who fail to meet the minimum standard of attending department CPT can be subject to separation from the department.

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Level I Reserves who have successfully completed the Sheriff's Department three (3) day POST Semi-Automatic Rifle Marksmanship Course may be issued an AR-15 rifle. The AR-15 rifle shall be stored/secured at any Sheriff's facility equipped for secure storage (lockers or armory). The AR-15 rifle shall only be deployed as part of the Level I Reserve Deputies' patrol equipment while working in a law enforcement function, for the purposes of a department qualification or department training.

Level II Reserves who fail to meet the minimum standard of attending department CPT can be subject to separation from the department.

Level III Reserves are encouraged to attend CPT however it is not a requirement.

The Reserve Command has the discretion to require mandatory training of Reserves in accordance with department direction. (01-4-21)

### 6.99 DISPLAY OF FLAGS

#### How and When to Display Flags

- National and State Flags

The National flag and State flag shall be of the same size. When only one flag pole is used, the National flag shall be above the State flag, and the State flag shall be hung in such a manner as to not interfere with any part of the National flag.

- United States Flag

Display of the flag of the United States shall be in accordance with the provisions of the National flag law.

- Duration

Flags are to be flown daily from sunrise to sunset, except as otherwise noted in this procedure. They may be flown during the hours of darkness if properly illuminated. Flags should not be flown during inclement weather unless all-weather flags are used. The facility/division/station commander shall designate a person to be responsible for the daily raising and lowering of the flag. The Office of the Sheriff shall designate such a person at the Department headquarters.

#### Flying the National Flag at Half-Staff

- The flag of the United States shall be flown at half-staff at County-operated Department facilities only as follows:

At the direction of the President of the United States;

At the direction of the County Chief Administrative Officer;

At the direction of the Sheriff;

On Memorial Day, May 30th. Duration: From sunrise to noon;

To honor the memory of a law enforcement officer killed in the line of duty (or died as a direct result of injuries incurred in the performance of official duties).

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Duration: Day and duration to be specified by the Sheriff.

- When the National flag is lowered to half-staff, all other flags flown at Department facilities shall also be flown at half-staff. (07-31-98)

### **6.100 BLOODBORNE PATHOGEN EXPOSURE/CONTROL**

#### **Occupational Exposure**

*All Sheriff's facilities/commands shall maintain a written Exposure Control Plan. These plans, in accordance with the California Code of Regulations, Title 8, section 5193; and 29 Code of Federal Regulations section 1910.1030, will address:*

- *Exposure determination*
- *Methods of compliance, which include procedures for:*
  - *Standard precautions*
  - *Engineering and work practice controls*
  - *Personal protective equipment*
  - *Housekeeping procedures*
- *Procedures for Hepatitis B vaccinations for employees*
- *Communication of hazards to employees & training*
- *Record Keeping*

#### **Personal Protection**

- *Employees who report to work with open wounds or breaks in the skin shall thoroughly cover or bandage such wounds.*
- *Whenever possible, latex gloves should be worn if there is a likelihood of contact with blood, body fluids, mucous membranes, non-intact skin, contaminated items and surfaces, or other potentially infectious materials. Protection can be increased by double-gloving.*
- *When administering CPR, employees shall use the Department approved and supplied mouth-to-mask resuscitator.*
- *If an employee's clothing becomes contaminated with blood, body fluid or other potentially infectious materials, it should carefully be removed as soon as possible. Care needs to be exercised that this piece of clothing does not contaminate other articles before it is laundered or dry cleaned.*
- *Employee's shoes that become possibly contaminated should be cleaned with Department approved disinfectant or bleach solution as soon as possible; and no later than the end of shift.*
- *Latex gloves shall be removed by peeling them off in an "inside-out" direction to prevent any contaminated fluid from having contact with the skin. Double-gloving should be considered.*

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*Used gloves that have been contaminated shall be disposed of in accordance with the Exposure Control Plan.*

- *All Sheriff's personnel attending autopsies in the course of investigations shall wear comprehensive protective equipment as directed and supplied by the Medical Examiner's Office.*
- *All staff handwashing stations at facilities where occupational exposure occurs, and all transportation, patrol and detective vehicles will be supplied with antimicrobial hand cleaners. Sheriff's facilities can consult the Employee Medical Liaison Unit (MLU) for information on ordering appropriate approved supplies.*

### **Direct Skin Contact with Blood, Body Fluids or Other Potentially Infectious Materials**

- *If an employee's skin should become contaminated, the area shall be washed as soon as possible with Department provided disinfectant. A follow-up wash with soap and water shall be used in conjunction with the Department provided disinfectant.*
- *Whenever an employee comes in contact with blood, body fluids or other potentially infectious materials, he/she shall prevent the careless contamination or spreading of contaminants by not touching other objects before gloves have been removed and hands have been washed.*

### **Bloodborne pathogen exposure from an inmate or arrestee while in the performance of employee's duties**

- *Administrative Blood Draw Process: The administrative blood draw process occurs when an employee comes in contact with blood, is spit on, or other potentially infectious material gets on their skin, eye, mouth or other mucous membrane from an arrestee or inmate. The employee may be concerned they were exposed to a bloodborne pathogen. The bloodborne pathogens tested for are HIV and Hepatitis B/C. There is a time concern for employees if they need medication after an exposure. Employees should be presented medication options by a medical professional and begin taking the medications preferably within 24 hours but no longer than 7 days past exposure for Hepatitis B/C and within 72 hours for HIV for optimal effectiveness.*
- *The anti-retroviral medications (ART) should be started within the designated timeframe to be effective. If the employee starts the medications and it is later determined the arrestee/inmate was not infected, following medical consult with their County healthcare provider or primary care physician, the employee can choose to discontinue the medications.*
- *This particular blood draw process: 1) is for administrative not criminal reasons, 2) is for the benefit of our employees, 3) and needs to be drawn by a contracted phlebotomist. The blood draw is done either with consent from the suspect, arrestee, or inmate; or without consent as a forced blood draw.*
- *Responsibilities for the exposed employee's Supervisor, or the Supervisor who is most knowledgeable of the incident, are as follows:*
  1. *Notify Communications Center Watch Commander (CCLT) of the incident who will call the On-Call Division of Inspectional Services (DIS) Sergeant to assist.*
  2. *Relay the incident to DIS On-Call Sergeant when called.*
  3. *Assure employee receives medical treatment if desired.*

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4. Complete Medical Services Division (MSD) Coversheet.
5. Ensure arrestee/inmate's blood is drawn and delivered to a Sheriff's Detention facility.
6. Email MSD Coversheet to Infection Control Nurse (ICN) along with specific instructions and attachments.
7. Supervisor also needs to contact MLU and report exposure, scan and email completed Workers Compensation packet to MLU.

There are instructions on how to follow the administrative blood draw procedure for employees on the DIS website. The department also requires annual Learning Management System (LMS) training.

### **Human Bites**

- Bite wounds shall be thoroughly washed with soap and water and Department approved disinfectant as soon as possible.
- Medical attention shall be sought as soon as possible.
- Human bite wounds shall be reported as described below.

### **Cuts/Puncture Wounds/Needle Sticks**

- All cuts, punctures, and needle sticks shall be washed thoroughly with soap and water and Department provided disinfectant.
- Medical attention shall be sought as soon as possible.
- The employee's immediate supervisor shall be notified as soon as is practical.
- Such cuts, punctures, and needle sticks shall be reported as described below.

### **Vehicle or Equipment Contamination**

- Anytime there is the remotest possibility of contamination to personal equipment or Sheriff's vehicles, cleanup shall be done as soon as possible.
- Steering wheels, and door handles shall be cleaned anytime employees have been in contact with blood, body fluids or other potentially infectious materials, and have driven the vehicle.
- Latex gloves shall be worn during this cleaning.
- All soiled materials and gloves shall be secured and disposed of according to the Exposure Control Plan.

### **Standard Precautions**

- The principle of Standard Precautions is a conservative approach to infection control. Simply stated, the concept behind Standard Precautions is to handle blood, bodily fluids or other potentially infectious materials as if they presented a risk of disease or infection.
- Employees who come in contact with people, or who handle blood, blood products or other bodily fluids often have no idea whether they may be exposed to Hepatitis B Virus, Human Immunodeficiency Virus, or other bloodborne viruses. By making this assumption, employees

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*will stringently avoid all contact with potentially contaminated items by following standard safety precautions, use of proper safety controls and wearing the appropriate personal protective equipment (PPE). Most often this means wearing the appropriate protective gloves and immediately washing your hands after removing gloves.*

### **Documentation of Exposure Sources**

- *All contacts with potential or suspected sources of infectious disease shall be reported by completing the Report of Occupational Injury form (MLU-4). Post exposure evaluation and follow-up shall be sought at the County-contract provider as soon as possible.*
- *The Report of Occupational Injury form shall be faxed to the Sheriff's Medical Liaison Unit within 24 hours of the report. A copy of this and all other reports discussed in this section shall be filed at the employee's work site, and the original shall be forwarded to the Sheriff's Medical Liaison Unit. The Medical Liaison Unit will maintain copies and forward the originals to the Workers Compensation Division in the Department of Human Resources.*
- *If a contact with a potential source results in infection or physical injury, the employee shall proceed to the nearest County-contract workers' compensation medical facility for treatment. The employee shall fill out the following forms:*

*MLU-4 "Report of Occupational Injury";*

*DWC-1 "Employees Claim for Worker's Compensation Benefits";*

*MLU-1 "Medical Disability Status Report;"*

*"Proof of Service";*

*Authorization to Obtain and Release Information in Connection with an Application for Worker's Compensation Benefits.*

- *The employee's Supervisor shall ensure that the above-mentioned forms are completed and complete the following report:*

*RM-3-Supervisor's Accident Investigation Report*

### **Designated Officer**

- *The Medical Liaison Manager assigned to the Medical Liaison Unit shall be the Sheriff's Department's "Designated Officer" pursuant to U.S. Code Title 42 section 300ff-81 through 300ff-90. The Designated Officer can confer with the Detentions Services Bureau Medical Services Administrator, the Medical Director, the County Health Officer, and/or the Department of Human Resources Medical Standards Coordinator for assistance with issues requiring medical expertise.*
- *The designated officer, or designee, will liaison with the DHR Medical Standards Coordinator and the County Emergency Medical System reference information from hospitals about possible infection of Sheriff's employees who were in duty-related contact with potentially infectious sources.*
- *The designated officer, or designee, shall locate the Sheriff's employee and relay the information. He/she shall assist the employee in getting adequate medical attention for the exposure.*

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- *The designated officer, or designee, shall receive requests from Sheriff's employees for exposure determination and prompt the Workers Compensation Division to give authorization for a consultation with a contracted medical provider if the employee was exposed to one of the infectious diseases listed in the statutes.*
- *The Designated Officer, or designee, will maintain the confidentiality of persons involved according to statutes.*

### **Handling of Contaminated Evidence**

- *Employees shall wear latex gloves while handling syringes and shall use the polypropylene evidence tube as a secure container.*

*Employees shall treat all drug paraphernalia as if it were contaminated.*

- *All blood-soaked clothing or clothing from a rape investigation shall be placed in paper bag(s). When necessary, the bags shall be doubled to prevent the blood/body fluid from soaking through the bag(s). On the occasional circumstance where blood-soaked items require drying, a call-out for Crime Lab personnel to collect and dry the evidence is appropriate.*
- *All evidence with blood/body fluids on it shall be clearly labeled with BIOHAZARD stickers on the outside of the bag or evidence tube.*

### **Evidence Drying Cabinets**

- *When using the Evidence Drying Cabinets in the area stations use the same Standard Precautions as you would use with any other potentially contaminated person or evidence.*

### **Training**

- *The person in charge of each facility/unit will ensure that refresher training on this policy and in the Exposure Control Plan will be held for all employees with potential occupational exposure at least annually.*
- *This training will follow all of the elements of the Exposure Control Plan.*

### **Review**

- *The person in charge at affected facilities, stations and offices will ensure that Exposure Control Plans are reviewed annually to reflect new or modified tasks, procedures, equipment, and/or facilities. The Administrative Lieutenant can use the Medical Services Administrator for expertise and assistance in this task.*

### **Hepatitis B Virus**

- *All employees who have occupational exposure to potentially infectious materials **should** receive Hepatitis B vaccinations within 10 days of assignment to their work station.*
- *Details on obtaining or refusing Hepatitis B vaccinations are in the individual facility Exposure Control Plans.*

### **Tuberculosis Infection/Disease**

- *The Medical Director of Detention Medical Services shall, in conjunction with the County Health Officer, the Department of Human Resources, and the Environmental Health*

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*Department, administer and promulgate the following programs:*

- *infection control*
- *respiratory protection*
- *tuberculosis skin testing*
- *education and training*
- *These programs will be available to all Sheriff's Department employees with a potential occupational exposure to tuberculosis.*
- *The Medical Director will also provide exposure incident protocol, education, training and equipment for deputies who must transport known or suspected tuberculosis sources. (09-28-20)*

### 6.101 HATE CRIME

#### **Policy Statement Only**

Hate Protocol Procedure may be found in the Patrol, Detective and Detentions Operational Manuals and shall be considered a component of the Department's Policy & Procedure Manual. As such, officers shall be held accountable for complying with its contents.

### 6.104 CONTROLLED TIRE DEFLATION DEVICE DEPLOYMENT

#### **Training**

*The device may only be deployed according to the manufacturer's instructions by a deputy trained in its use. Training will minimally include instruction on this policy, the manufacturer's directions for the use of the device, viewing the manufacturer's video tapes (if any), as well as the deployment and retrieval of the device in a practice setting. Documentation of the training will be kept in the deputy's station file.*

#### **The Device Is Generally Prohibited from Use in Stopping the Following Types of Vehicles**

- *Any two or three wheeled vehicle*
- *Any bus carrying passengers.*

#### **Placement of the Device**

*The device may only be used in locations where the deploying deputy is able to maintain constant observation of the device. The deputy must, at all times, be able to retrieve the device in order to prevent accidental contact with pedestrians and non-intended vehicles. In preparing to deploy the device, the following precautions should be observed:*

- *At no time will a deputy in a vehicle attempt to overtake or pass a pursuit in order to position the device. This does not apply to Sheriff's helicopters, which may be used to deploy the device ahead of the pursuit.*
- *The device should generally be deployed where the probable path of the suspect vehicle is reasonably straight, unobstructed, flat, and has an adequate stopping distance. It should not*

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*be used in curves or areas where the roadway is bordered by steep descending embankments.*

- *The location of deployment must be communicated to all units involved in the pursuit.*
- *The deputy intending to use the device is responsible for its safe deployment and retrieval. That deputy is not expected to assist in the apprehension of the suspect or any other duties.*
- *The safety equipment stored with the device should be used when handling it, i.e., gloves, eye protection.*
- *The deputy must be careful to avoid wrapping the device's cord around the hand or wrist in order to prevent accidental injury when the suspect passes over the device.*
- *Once the suspect vehicle has passed over the device, the deputy is to retrieve it immediately to prevent accidental contact with law enforcement vehicles or other non-intended parties.*
- *The deploying deputy is responsible for the proper reassembly of the device after each use including the replacement of used, lost or damaged parts.*

### **Reporting**

*Deployment of the device which results in contact with a suspect vehicle should be documented by checking the "Spike Strip" Box in Section V of the Pursuit Report (Pat 15). The completed pursuit reports are then routed as described in Policy & Procedure 6.43.*

*Deployment which results in unintended contact with any other persons or vehicles must be documented by a deputy's report or other appropriate incident report.*

<b>6.105 AUDIO/VIDEO RECORDER USE REQUIREMENTS</b>
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Department employees shall not eavesdrop on or record any confidential communications between a person in custody, and his/her attorney, doctor or clergy.

Department employees shall not eavesdrop on or record the conversation of any person in custody after indicating that the conversation will be confidential.

Department employees shall not eavesdrop on or record any conversation in which any party has a reasonable expectation that the conversation will be private. This includes the recording of conversations of department personnel without the prior knowledge and/or consent of all parties. Exceptions are law enforcement actions taken pursuant to judicial approval.

Department employees shall not use any personal video recorders (Pen cameras, cellular phone, smart phone, video recorder, wireless electronic device etc.) during the course of their duties without prior written authorization and approval by the Sheriff. Whenever possible, department employees should inform individuals that they are being recorded.

The use of digital voice recorders or video recorders (Apple iOS device, cellular phone, smart phone, wireless electronic device, etc.) by department employees is optional. Those employees choosing to use digital voice recorders or video recorders, whether personally owned or provided by the department, will receive and acknowledge copies of applicable statutes (Calif. Penal Code Section 630, et. seq.), applicable case law, and department policy prior to use.

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All on duty recordings of work related contacts captured on a digital voice/video recorder are the sole property of the department and the County of San Diego, regardless of whether or not they were made on personal or department owned recorders. The recording will be downloaded onto a recordable compact disc (CD-R) provided by the department and catalogued at the department employees work location.

Department employees should activate the recorder as soon as possible, consistent with officer/personal safety and prudent field tactics. Once activated, the recorder shall remain on for the duration of the contact. NOTE: If the contact is interrupted, i.e., deputy returns to the car to run a warrant check, write a citation, etc. and there will be no contact with the person for several minutes, the recorder may be turned off and restarted upon continuing the conversation. The deputy at this point shall leave a verbal note explaining the reason for the interruption.

The recording of any particular contact is at the discretion of the department employee. If an arrest report or crime report is generated out of the contact, OR the contact involves a complaint, suit or claim being filed against the County, Department, or deputy, the fact that a recording was made shall also be documented in the related reports. The recording will be downloaded onto a compact disc and placed into evidence.

All recordings should be considered to contain potential evidentiary material. Department employees shall not edit, alter, duplicate, erase, copy, share or otherwise distribute any portion of the recording without prior written authorization and approval by the Sheriff.

Recordings containing discoverable material or information relevant to personnel investigations, criminal investigations, and civil suits shall be provided to prosecutors, defense attorneys, and investigators upon request under existing Department procedures. Upon request, department employees shall also be provided copies of surrendered recordings. The concerned investigator shall have the surrendered recording copied and provide the requested copy to the department employee.

Failure to comply with Department procedures for the use of such recording devices may result in disciplinary action. Failure to comply with statutory requirements may result in criminal prosecution and/or civil suit by the person recorded. (04-21-15)

<p><b>6.106 RELEASE OF NARCOTICS FROM SHERIFF'S EVIDENCE FOR TRAINING</b></p>
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### **Intra-Department Release of Narcotics for Training**

#### **Sheriff's Canine Program**

The Sheriff's Canine Program is authorized to procure and utilize narcotics for training of their canines.

Deputies assigned as narcotics detection handlers will be issued training aids to assist with maintaining their dog's level of proficiency. Narcotics training aids are for the exclusive use of the Sheriff's Canine Unit. Narcotics training aids will not be used for any purpose other than narcotic training.

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When the need for specific training aids arises, the Canine Sergeant will submit a formal request to the Property/Evidence Manager or designee at the Sheriff's Property/Evidence Unit. The Property/Evidence Unit will check out each training aid to the Sheriff's Crime Laboratory for analysis and weight prior to release to the individual handler. Once the Property/Evidence Unit releases the training aids to the individual handler, a copy of the chain of custody will be forwarded to the Canine Sergeant.

Each handler will receive a specific quantity of each drug (in grams) based upon availability. The only drugs authorized for issuance to canine handlers are those drugs in which the drug detection canines have received specific training. These drugs are methamphetamine, ice, cocaine, heroin, rock cocaine and marijuana.

All narcotics will be stored in a locked ammo can bolted within the locked trunk of the deputy's assigned county vehicle. Responsibility for the custody of those aids rests with the handler. Narcotics training aids that are no longer needed shall be returned to the Property/Evidence Manager or designee at the Sheriff's Property/Evidence Unit. Once the training aids have been analyzed, an analysis report will be forwarded to the Canine Sergeant with a copy to the Property/Evidence Manager.

On an annual basis (fiscal year), all narcotics training aids issued to handlers will be returned to the Sheriff's Property/Evidence Unit to be analyzed and weighed by the Sheriff's Crime Lab. An analysis report will be forwarded to the Canine Sergeant with a copy to the Property/Evidence Manager. Any discrepancy in the logged weight quantity shall be documented and the handler involved will prepare a deputy's report with a copy forwarded to the Property/Evidence Manager. Handlers will produce the training aids for inspection whenever requested by the Canine Sergeant. The Canine Sergeant will maintain an inspection log.

### **Intra-Department Requests for Other Training Aides**

Requests for drug samples needed for other training purposes, such as display materials, shall be submitted in writing and authorized by the requester's chain of command up to the level of commander with notice to the Central Operations/Investigations Lieutenant of the Major Crimes Division and the Captain of the Emergency Services Division.

If authorized, the request will be forwarded to the Property/Evidence Manager for disbursement.

The drug samples shall be obtained from amounts which are designated for disposal by this Department or other crime laboratories registered by the DEA and will be weighed and tested by crime laboratory personnel before release.

The drug samples will be maintained by Sheriff's Evidence and released and returned per standard check-out procedures.

All narcotic samples will be subject to routine and random audit procedures.

### **Release of Narcotics to Outside Agencies**

Requests for narcotic training aids from outside law enforcement agencies are required to be in writing and received from command personnel, at least the level of division commander.

The letter shall indicate the nature of their request and specify what types and amounts of training narcotics are needed. It should also include a brief description of the measures used to secure the drugs if provided.

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The outside agency must agree to sign a memorandum of agreement (moa) provided by the San Diego Sheriff's Department. The MOA will reflect the requirements set forth in Section 11367.5 of the Health and Safety Code. Basically, these requirements are:

The receiving agency shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

All controlled substances shall be maintained in a secure location approved by the San Diego Sheriff's Department.

Any loss shall be reported immediately to the San Diego Sheriff's Department.

All controlled substances shall be returned to the San Diego Sheriff's Department upon the conclusion of the training or upon demand by the San Diego Sheriff's Department, and are subject to audit procedures.

Requests from outside agencies will be forwarded to the Central Operations/Investigations Lieutenant of the Major Crimes Division for processing. Processing procedures include:

Coordinate processing of the MOA, which is signed by the outside agency representative, which should be at least a division commander, and the Assistant Sheriff of Law Enforcement Services.

Maintain and establish a record of the transaction, including all documents, and provide copies to the outside agency. Supporting documents shall include a detailed report describing the quantities/types of narcotics requested. The report will be addressed to the Assistant Sheriff of Law Enforcement Services, via the chain of command, for approval.

The Property/Evidence Unit Manager or designee shall also conduct routine annual audits of issued narcotics and procedures, coordinating with the affected outside agency. A report of the audit will be completed and included in the agency file. A copy will also be provided to the outside agency and the Central Operations/Investigations Lieutenant of the Major Crimes Division. (04-06-10)

<p><b>6.107 CITIZENS' LAW ENFORCEMENT REVIEW BOARD (CLERB)</b></p>
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The Division of Inspectional Services (DIS) shall serve as the Department liaison with the Citizens' Law Enforcement Review Board (CLERB). All complaints, subpoenas, correspondence, and inquiries from CLERB shall be referred to the DIS for review and handling.

Department employees shall provide all documents and information requested by the DIS sergeant designated as the CLERB processor.

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CLERB findings and policy recommendations are received by DIS. The assigned DIS sergeant shall disseminate the findings and policy recommendations to the appropriate Assistant Sheriff. All policy recommendations shall be reviewed by the area of responsibility. Response by DIS to CLERB shall involve review and consultation with Sheriff's Legal Affairs and the affected Bureau to the Commander level (minimum). The final response to CLERB correspondence shall be on signed Sheriff's letterhead to the Chair of CLERB from the DIS Lieutenant after the bureau level review is complete. All written responses to CLERB should be considered public information unless otherwise documented as confidential.

All sustained findings, policy recommendations or potential issues shall be communicated by the DIS Lieutenant to the Office of the Sheriff as soon as identified and prior to the publication of the response to CLERB.

The Division of Inspectional Services (DIS) will also be the liaison to the Citizens' Law Enforcement Review Board (CLERB) investigator who responds to death scenes. The procedure controlling the CLERB investigators' response can be found in the signed Memorandum of Understanding between the San Diego County Sheriff's Department and the San Diego County Citizens' Law Enforcement Review Board regarding access to death scenes, along with the DIS Manual and the Homicide Manual. (04-21-22)

<b>6.108 COUNTY CREDIT/PROCUREMENT CARD (P-CARD) USAGE</b>
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The County credit/procurement card (P-Card) is used to acquire goods and services for which the total cost of a single transaction, including tax, is \$2,500 or less. A County P-Card may be acquired through the Financial Services Division with the approval of the bureau commander.

- A P-Card will be assigned to a specific cardholder for a unit, division, station or facility as designated by its commander/senior manager.
- The commander/senior manager who is designated as the Approving Official, retains responsibility for all activity charged against that card.
- The cardholder will be responsible for making all purchases, handling returns, processing adjustment notices, verification of monthly charges and preparation of the monthly statement. "Cash Back" and "Cash Exchanges" and donations of any type are prohibited.
  - P-Cards are to be kept secured in a safe or locked cabinet to ensure security.
  - The County's Department of Purchasing and Contracting (P & C) has full authority and control over the P-Card program and will provide training, requirements, and/or direction concerning the use of the credit card. P & C perform reviews on P-Cardholders' transactions periodically.
- The Department's P-Card Coordinator (DC) in Financial Services Division reviews all P-Card transactions on a monthly basis to ensure all purchases were verified by the P-Card holder and approved by the Approving Official. The DC also reviews for past due balances and disputes.
- Each P-Card will have a maximum monthly limit established which will be based on operational need. Special requests to exceed established single transaction or monthly limits must be routed through the Department's P-Card Coordinator (DC) in the Financial Services

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Division, who will secure approval from the County's Purchasing & Contracting Department.

- Purchases may be made by telephone, in person, or on-line by the cardholder designated by the division, station, or facility commander/senior manager.
- The authorized type of goods and services that can be purchased is restricted for each P-card. Examples of purchases which may be made are cable tv services, subscriptions, minor equipment (with proper command approval), office supplies, memberships, and cell phone services. Minor equipment purchased via P-cards are subject to Department inventory procedures.

The acquisition of goods and services, and processing of monthly statements for payment, will follow the procedures listed below, as established by the County's Department of Purchasing and Contracting.

- In the event that a purchase is not covered by a Blanket Purchase Agreement (BPA), the cardholder must obtain two (2) documented quotes when the total cost of goods and services being purchased exceeds \$1,000 per transaction and three (3) documented quotes when the total cost exceeds \$2,500 per transaction. Contact the Department's P-Card Coordinator (DC) for guidance if two or more quotes cannot be obtained.
- The cardholder orders the goods or services, goods or services are received by designated staff, and receipts for the goods or services are retained by the cardholder.
- The cardholder will download a monthly bank statement from the bank's website reflecting all charges. The cardholder is to review all billings, matching purchase receipts against the statement to ensure accuracy of the billing.
- The cardholder will prepare the P-Card purchase log, attesting to the accuracy of the billing and attaching the appropriate invoices.
- The facility, station, division or unit designated P-Card Approving Official will review and approve the log which contains the list of purchases and receipts.
- The completed P-card log is entered into the County's Oracle Financial System by the P-card holder. The Approving Official reviews and approves the transactions in Oracle.

The Financial Services Division must be notified within 5 work days when either the Approving Official responsible for a P-Card or the Cardholder has changed.

The general rules and guidelines concerning the County's P-Card program, how they are used, what may be purchased, etc., can be referenced from the County's P-Card Manual in the Department of Purchasing and Contracting's website. Further guidance can be provided by the Sheriff Department's P-Card Coordinator (DC) in the Financial Services Division.

### **Purchasing Minor Equipment or Computer Equipment on the P-Card**

Before minor equipment or computer related expenditures are purchased on the credit card, the appropriate prior review/approval must be acquired. Minor equipment must be approved by the appropriate Commander/Director and be reported to Financial Services for inventory and tagging of equipment. Computer related items must be preapproved by Sheriff's Data Services Division before ordering.



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P-Card purchases are restricted to acquisitions against the Sheriff's General Fund budget unless a special POETA is issued for a departmental special revenue fund (Jail Store Commissary, Inmate Welfare, Asset Forfeiture, etc.).

The station, division, or facility is responsible for ensuring that the operating unit's budget is not exceeded due to the use of the P-Card. The Financial Services Division will monitor the use of the credit cards to conform with the requirements of the County's Purchasing and Contracting P-Card Manual.

### **P-Card Training**

All P-Cardholders and Approving Officials are required to complete the mandatory on-line Oracle P-Card Tutorials. There is mandatory classroom training for P-Cardholders and Approving Officials before a P-Card will be issued. This classroom training should be repeated every two years. (04-02-14)

### **6.109 REFRESHMENTS FOR FUNCTIONS AND EVENTS**

Each Unit Commander, Manager or designee requesting special food service shall submit a signed request (via FAX to 661-2648) including the identified "approved funding source" to the Chief of Food Services or the Central Production Center Manager at East Mesa Central Production Center.

Requests should be received at least five working days prior to the desired pick up date (excluding emergencies).

The request shall include the type of event, date and time of event, number of people to be served, desired type and quantity of items, contact person and telephone number, pick up dates, time and place

Examples of acceptable functions/events include: Graduation ceremonies, award ceremonies, holiday celebrations, special work projects.

Only those items normally prepared for meal service are available.

The Central Production Center Manager shall complete a cost sheet, attach the request and submit both documents quarterly to the accounting clerk at the East Mesa Office. (08-28-02)

### **6.110 PRIVATE PERSON ARREST**

When a private person notifies a Deputy Sheriff of his/her desire to make a lawful arrest, for a misdemeanor not committed in a deputy's presence, he/she shall advise the private person that they may make a physical arrest or file a crime report.

If a private person has made an arrest or wants to make an arrest and requests that a deputy receive the arrestee, the deputy may accept custody if they are satisfied that the private person's arrestee committed the offense and the arrest is supported by probable cause.

Deputies shall obtain copies of any and all written reports completed by the arresting private person, or statements of guilt signed by the arrestee prior to accepting custody of a private person arrest. Deputies shall make a diligent effort to record the circumstances of the arrest as told to them by the arresting person.

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Prior to receiving an arrestee, the deputy shall verify the identity of the person making the arrest, and ensure that the person making a private person's arrest has completely filled out and signed the Citizen's Arrest Declaration form (Pat 5). A copy of the Citizen's Arrest Declaration form shall be mailed to the arresting person.

When taking a private person arrest, the deputy shall write a Case Report detailing the arrest. Any related citations and the Citizen's Arrest and Declaration form will be scanned and electronically attached to the report. The original Citizen's Arrest and Declaration form will be placed into evidence.

All persons involved in a private person arrest shall be advised that the deputies are not making the arrest, but are merely receiving the arrested person. After receiving an arrested person, deputies will determine the arrestee's eligibility for cite and release if appropriate.

The deputy may decline to receive the private person arrestee if not supported by probable cause, without risk of state prosecution or liability for false arrest. (142(c) P.C.) If a private person insists on a physical arrest and the deputy determines there is not probable cause for that arrest, the deputy may complete a Case Report without the arrest element. (09-01-09)

### 6.111 HIGH RISK ENTRIES

*Prior to serving a search warrant, arrest warrant, or conducting a 4th waiver search, the Deputy responsible for the case will complete the High Risk Entry Checklist. The completed checklist will be submitted to their immediate supervisor for review. If it is determined to be a high risk entry, the deputy or their supervisor will contact a Special Enforcement Detail supervisor.*

*If the mission is accepted, the S.E.D. supervisor will assign appropriate personnel to meet with the Deputy, or case agent, and develop a plan of implementation. This checklist will be included in the completed investigative package.*

To facilitate the scheduling and tactical planning, S.E.D. should be contacted as early as possible in the investigative or planning process. (11-06-14)

### 6.112 FORCED BLOOD DRAWING

*This Policy was combined with Policy 6.67 Forced Blood Draws in Specific Intent Crimes as of 7-9-2013.*

### 6.113 PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT)

Accessing the PERT Team

When the Communications Center receives a call involving a mentally disordered individual, the radio dispatcher will dispatch uniformed deputies as necessary to handle the situation. Once on the scene, the patrol deputies will determine if the PERT team is needed. Should the PERT team not be available for response and the situation is not considered critical, the deputy may submit a referral form for PERT follow-up.

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Additional information is located in the Field Operations Manual. (01-4-21)

### 6.114 HANDLING OF HAZARDOUS MATERIALS INCIDENT

If a deputy determines a violation may be present, they should first protect human safety and then attempt to obtain usable evidence for prosecution. If immediate danger to life exists, the deputy should take appropriate emergency action to remove citizens from danger. If necessary, evacuate the area, seal it off, and notify the appropriate personnel specialized in handling the substance.

If no immediate danger appears to exist, the deputy should consider three things.

- Treat all incidents as a crime scene and prevent contamination of the evidence.
- If it is determined to be a possible drug lab crime scene, notify the County-wide Narcotics Task Force (NTF) via the Communications Center for 24-hour NTF/DEA response.
- If it is determined to be a non-drug lab related scene (abandoned or found hazardous materials), notify Hazardous Materials Management Division via the Communications Center.
- Refer to the Field Operations Manual for additional instructions. (01-4-21)

### 6.115 DISSEMINATION OF INFORMATION ON SEX REGISTRANTS

The California Department of Justice maintains an internet website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)) for the distribution of sex offender information to the public. **The release of information allows members of the public to protect themselves and their children from sex offenders.** The State of California Department of Justice has categorized the release of information on sex offenders into three categories based on a criminal history assessment.

#### **Full Address/Sexually Violent Predator (SVP):**

A sex offender in this category will have his/her full residence address displayed. Generally, full address disclosure will occur if he/she had been convicted of any of the following:

- Lewd conduct with a child under the age of 14.
- A sex offense involving force or fear.
- A designated sex crime with a prior or subsequent conviction for a sex crime requiring registration.
- An offense resulting in a commitment as an SVP as defined in Section 6600 of the Welfare and Institutions Code.

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### Zip Code Only:

A sex offender in this category is required to register and has been convicted of an offense(s) subject to public disclosure. However, he/she does not meet the "Full Address" display criteria. Although the offender's ZIP Code rather than "Full Address" will be displayed, all other personal profile information will be the same.

### No Post/Excluded:

While known to law enforcement, information on a sex offender in this category will not be disclosed on the public internet website.

Sheriff's Department personnel can make preliminary determination of the category of an offender by querying the DOJ Megan's Law website, CLETS (CSAR and SRF) network, or by contacting the Department of Justice directly at (916) 227-3288.

### Dissemination of Information on Sex Offenders

Penal Code Section 290.45 authorizes public release of information regarding all categories of sex offenders when necessary to ensure public safety. Public disclosures conducted within the Sheriff's jurisdiction require prior approval via the chain of command, notwithstanding exigent circumstances. **At no time will information be released that would identify the victim of a sex crime.** Confirmation of an offender's status may require researching original court documents and sentencing records. While most offenders are lifetime registrants, they are not necessarily on probation or parole and their classifications may change over time. Sheriff's personnel may provide information to the public about a person required to register as a sex offender pursuant to Penal Code Section 290 to ensure public safety.

Sheriff's personnel may notify members of the public about **any** sex offender when it is necessary to ensure public safety. This includes any offender who is now categorized as "Zip Code Only", "No Post" or "Excluded," provided there is a belief the offender will pose a risk to the community.

This information may include but is not limited to the following:

- Offender's full name including known aliases
- Offender's demographics
- Photograph
- Date of birth
- Offender's address
- Description and license plate number of the offender's vehicle or vehicle he/she is known to drive
- Type of victim targeted by the offender
- Relevant parole or probation conditions
- Crimes resulting in classification under this section, but excluding information that would identify the victim
- Date of release from confinement

Typically, Sheriff's personnel will disclose information on sex offenders using two methods, Exigent Notification and Planned Community Notification.

### Exigent Notification

Under exigent circumstances, a deputy or investigator may disseminate offender information, without prior approval, to those persons who would be at immediate risk.

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Immediate risk is defined as circumstances which reasonably indicate to a deputy or investigator that a person is in imminent danger of becoming a victim of a sex offender if not immediately given notice to the presence of, or expected contact with, the sex offender and that delaying will unnecessarily put the potential victim(s) at risk.

The information that can be released may include, but is not limited to, the following:

- Offender's full name, including known aliases
- Offender's demographics
- Photograph
- Date of birth
- Offender's address
- Description and license plate number of the offender's vehicle or vehicle he/she is known to drive
- Type of victim targeted by the offender Relevant parole or probation conditions
- Crimes resulting in classification under this section, but excluding information that would identify the victim
- Date of release from confinement

Whenever Exigent Notification information regarding a sex offender is released, a sex offender Exigent Notification form shall be completed (form 290-01). When possible, a signature from the person to whom the disclosure was made shall be obtained on this form. The Sex Offender Exigent Notification form shall be reviewed via the station level chain of command. Once reviewed by the station commander, the Sex Offender Exigent Notification form shall be forwarded to the Sex Offender Management Unit (SOMU) for a five-year retention period.

### Planned Community Notification

Planned Community Notification is a method for Sheriff's personnel to disseminate information to the public regarding a sex offender. This method may include information to be released to the media or to a predetermined geographic area within a "risk zone." This information may be released pursuant to P.C. 290.45 and will be coordinated through the review committee, and the Sheriff's Public Information Officer to assure consistency department-wide.

The review committee consists of the Assistant Sheriff, Law Enforcement Services Bureau; Investigations Commander, Law Enforcement Services Bureau; Patrol Commander, Captain of Major Crimes Unit; and the affected station commander.

Community notifications are allowed as follows:

1. Community notification on sex offenders who are currently an SVP or were once deemed as an SVP will automatically be initiated by a SOMU detective and will occur unless the review committee orders the event to be halted.
2. Community notifications on all other classes of sex offenders will occur only after it has been determined by the SOMU or P.C. 290 station coordinator that the sex offender poses a risk to the community. This event will continue unless halted by the review committee.

Each such disclosure must be accompanied by a statement that "**the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.**" The SOMU shall retain records of the disclosures for five years.

### Planned Community Notification Procedure

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Whenever a member of the Sheriff's Department becomes aware that a person who was once deemed as an SVP or any sex offender who poses a risk to the community, has become a resident or relocates within the Sheriff's jurisdiction, the on-call SOMU detective shall be notified.

### **SOMU responsibilities:**

1. The Sheriff's Department Sex Offender Management Unit detectives work as part of the Sexual Assault Felony Enforcement (S.A.F.E.) Task Force managed by the Sheriff's Department. This task force monitors registered sex offenders and investigates crimes associated with the sex offender's registration requirements.
2. The SOMU Investigator will determine if the offender actually resides at the reported address and may inform the sex offender a community notification may occur.
3. The assigned SOMU investigator will confirm the criminal history information, and obtain certified copies of the original court documents, certified sentencing records, parole or probation reports, VCIN (Violent Crime Information Network), CSAR (California Sex Arson Registry) and SRF (Supervised Release Files) records and Megan's Law information. (Note: In the event, these documents may have been destroyed or made unavailable; their absence should not preclude the community notification event from occurring.)
4. The assigned SOMU investigator will prepare and disseminate a BOL (form 290-02) to the affected station command for placement on their briefing board.
5. A background package containing the above information will be provided to the station command for review to determine if a community notification is warranted.
6. Once the affected station command determines a community notification is warranted, the assigned SOMU investigator will create the Executive Summary (form 290-03), taking into consideration the information provided by the P.C. 290 station coordinator. The justification will be based on criteria such as:
  - a) Victim preference or possible target population of offender.
  - b) Prior use of violence by the offender.
  - c) Need to notify persons outside of Sheriff's jurisdiction due to movement or crime type preferred by the offender.
  - d) Risk zone factors (e. g., living next to a school).
7. The assigned SOMU investigator will prepare the Community Notification Bulletin (form 290-04 in English and in Spanish). This bulletin will be included as an attachment with the completed Executive Summary that will be forwarded to the review committee for evaluation.
8. After the review committee has evaluated the Executive Summary and no opposition is noted, the assigned investigator will prepare a Community Notification Plan (form 290-05), identifying participating personnel, mission and the method in which the operational plan will be executed.
9. In preparation for the planned community notification, the assigned SOMU investigator will reconfirm that the offender still resides at the target address within 24-hours prior to the community notification event.
10. Form 290-08 may be utilized as a notification checklist.

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The community notification procedure will proceed unless it is determined by the review committee, through an individualized assessment of the risk posed by the sex offender, that community notification would not serve the public interest and achieve the purpose of allowing members of the public to protect themselves and their children.

### Station Responsibilities

1. The station commander with the jurisdiction over the offender's residence will assign a sworn staff member (station coordinator) to collaborate with the SOMU for the community notification event.
2. The station coordinator will take into account the community in which he/she works, to create a "risk zone" to be included in the Executive Summary. Each potential disclosure must be evaluated individually for the suitability of the specific area to be covered and should be as restrictive as possible.  
Considerations must be given to:
  - a) Jurisdictional boundaries.
  - b) Natural landform and man-made boundaries.
  - c) Type of victim or location preferred by the offender based on previous offense history.
  - d) Areas frequented by the offender.
  - e) Places where children frequent.
3. The station coordinator is responsible for establishing persons and/or groups to be notified. These factors to be considered should include the following:
  - a) Individuals at risk
  - b) Licensed day care providers
  - c) Churches
  - d) Libraries
  - e) Schools, public and private
  - f) Parks and recreation
  - g) Youth clubs
  - h) Community centers
  - i) Arcades and amusement parks
4. The station coordinator shall identify personnel needed to complete the public notification and provide this information to the assigned SOMU investigator for inclusion into the plan.
5. The station coordinator is responsible for making sure the elected officials within their jurisdiction are notified of the public notification.

### Method of Notification

- All community notifications will be made through door-to-door, face-to-face contacts within the predetermined "risk zone."
- A Community Notification Script (form 290-06) will be included in the Notification Plan and will be provided to each department member making the notifications.
- A Community Notification Log (form 290-07) listing the addresses and names of the contacts, will be signed by each bulletin recipient. This log will be retained by the SOMU for a period of five years.
- The Notification Plan will include at least one uniformed deputy in a marked Sheriff's unit as a crime deterrent during the public notification.
- Community Notification Bulletins will only be delivered to adults.

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- At no time will a Community Notification Bulletin be left on a doorstep or mailbox.

### Media/News Release

- The Notification Operational Plan will include a designated Public Information Officer.
- Community Notification Bulletins and notification event information will be sent to the Communications Center watch commander for release to the media by the assigned Public Information Officer or their designee.
- All media inquiries received at the Sheriff's Communication Center regarding the community notification will be routed to the Public Information Officer or their designee.

### Sex Offender Monitoring Procedures

The SOMU has primary responsibility for monitoring and investigating sex offender registration issues within the Sheriff's jurisdiction.

The SOMU detectives will provide training to P.C. 290 station coordinators regarding internal Sheriff's databases, the Violent Crimes Information Network (VCIN), California Sex Arson Registry (CSAR) and the Megan's Law database.

The SOMU detectives shall routinely review records in order to conduct field audits of all sex registrants. Before SOMU detectives conduct such "audit sweeps," they should contact the 290 P.C. station coordinators to coordinate enforcement efforts. Deputies shall note changes of information on the individual's audit form. Original audit forms shall be forwarded to the Sheriff's Licensing Division, Sex Offender Registration Unit for inclusion in the registrant's file.

If any deputy determines a sex registrant is not in compliance, the deputy shall collaborate with the SOMU detectives for investigative follow up. A copy of any case reports generated as a result of a sex offender not being in compliance with his/her registration obligation will be forwarded to SOMU investigators.

Information or complaints received by department personnel that a sex offender may be in violation of P.C. 290 requirements shall be referred to the SOMU.

### Public Education

Any knowledgeable Sheriff's employee may conduct community educational forums. A Community Notification Public Education Outline (290-09) is available in the forms folder under Sex Offender Management. Additionally, members of the SOMU and the County's Sex Offender Management Council (S.O.M.C.) may be available as an additional resource. (01-4-21)

<b>6.116 SEARCH WARRANT SERVICE</b>
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### General Considerations

Deputies and supervisors participating in the execution of search warrants will be thoroughly familiar with Penal Code Sections 1525 et seq. and applicable case law regarding warrant preparation and service.



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Deputies will not enter onto private property unless that entry is authorized by law and will not remove private property unless the removal is sanctioned by law. All property seized under the authority of a search warrant will be listed in the receipt and inventory. Property seized under other provisions of law will be thoroughly described in applicable crime and/or arrest reports.

No department member will serve or participate in the service of any "No Knock Warrants" without the express approval of the Undersheriff.

Warrants on tribal land must adhere to the requirements of Procedure Section 6.129 Obtaining Information Possessed by Tribal Governments or Conducting Operations on Tribal Land.

### **Telephonic Warrants**

Telephonic warrants may be obtained in situations where deputies are already lawfully on the premises but need the authority of a warrant to extend their search, need a warrant outside normal court hours, or are unable to obtain a warrant through normal procedures.

Deputies seeking a telephonic warrant shall contact the on-call deputy district attorney for assistance and will not contact the duty judge directly. Telephonic warrants will require the requesting deputy to sign the affidavit on the following court day. Deputies shall follow the instructions of the assigned Deputy District Attorney when processing telephonic warrants.

### **Sheriff Supervisor's Responsibilities**

Except for established countywide task force units, a Sheriff's supervisor will be present during the execution of all search warrants, parole, and 4<sup>th</sup> waiver searches of a residence or other large property. With the passage of the California Public Safety Realignment Act there may be exceptions to this. See California Public Safety Realignment Act (Assembly Bills 109 and 117) below.

The Sheriff's supervisor is responsible for ensuring that all personnel adhere to applicable legal policy and procedure guidelines.

In addition, prior to the search the supervisor will:

- Review and approve the Operational Plan.
- Review the High-Risk Entry Checklist and ensure high risk entries were offered to SED.
- Ensure that the target premises ARE THE ACTUAL premises described in the warrant.
- Ensure that the conditions described in the affidavit still justify the search.
- Confirm that all personnel are adequately briefed and wearing appropriate safety equipment.
- Ensure that the warrant is executed and returned in a legal and timely manner. Stale or void warrants will not be served.
- Conduct a debriefing at the conclusion of the operation.
- Ensure the warrant is properly returned to the court and all evidence is handled according to proper procedure
- Ensure that appropriate crime/arrest reports are completed and filed in a timely manner.

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### **California Public Safety Realignment Act (Assembly Bills 109 and 117)**

The passage of the California Public Safety Realignment Act will require the Sheriff's and Probation Departments to assume many of the responsibilities formerly held by the California Department of Corrections and Rehabilitation related to the incarceration of non-violent, non-serious, and non-sex offenders and their subsequent supervision upon release. Many of the supervision duties formerly held by State Parole will now be the responsibility of the County of San Diego.

With the advent of the increased supervision responsibilities, the County Probation and Sheriff's Departments have developed a partnership to meet these additional demands. The Probation Department will continue to maintain overall responsibility of probation/parole records and supervision. With the approval of the Probation Department, selected Sheriff's Department personnel will have access to probation/parole records on a "read only" basis. This access is especially significant for personnel working within the County Parole Alternative Custody Unit (CPAC), crime and gang suppression teams, investigators, and the Sheriff's Crime Analysis Unit.

With regard to CPAC, they primarily conduct residence and home compliance checks for future and current in-custody participants. These participants are non-probationers and non-parolees who are serving their sentence on home detention in lieu of custody in a detentions setting under the following terms:

- All potential CPAC participants or authorized residents of the home sign a Consent to Search (SO-135) form authorizing representatives of the San Diego County Sheriff's Department to conduct a residence search of the property that is described on the consent form.
- Once participants are under CPAC supervision, Home Detention and Electronic Monitoring Rules and Regulations (J-148) forms are signed allowing any CPAC staff member, San Diego Sheriff's Deputy or peace officer into their residence at any time for purposes of verifying compliance with their conditions of detention.
- A supervisor does not need to be present for home compliance or residence checks conducted by CPAC. Should a compliance search of Residential Reentry Center (RRC) be needed, CPAC deputies in conjunction with partnering agencies will ensure an Operational Plan/High Risk Warrant Checklist is completed and a Sheriff's supervisor will be present.

### **Operational Plan**

An Operational Plan shall be completed by the case agent and approved by the investigative supervisor prior to the execution of all search warrants, pre-planned 4<sup>th</sup> waiver, or parole/probation searches.

The following items shall be included at a minimum in any Operational Plan:

- Type of operation and potential problems.
- Case agent and on-scene supervisor.
- Synopsis of investigation leading to warrant or search.
- Special case instructions or information, such as the presence of children, dogs, etc.

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## **San Diego County Sheriff's Department – Procedure**

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- Description of target premises, all known suspects, and vehicles, including criminal history and history of violence or use of weapons by suspects.
- Assignment of special equipment; Battering Ram, pry bars, etc.
- Primary and secondary talk groups.
- Nearest hospital including directions and map.
- Area diagram and floor plan of target premises if available.
- Trouble and/or bust, signal if appropriate.
- Appropriate notifications LECC, Communication Center and other agencies.

### **Safety Equipment**

All personnel will wear appropriate safety equipment and uniforms unless tactical requirements preclude it. Any modification requires the explicit approval of the on-scene supervisor prior to implementation.

Entry team members shall wear all issued safety equipment, including ballistic vests (front and back panels), protective helmets if issued, and high visibility attire clearly identifying them as peace officers.

### **Assisting Allied Agencies**

When an outside agency requests assistance in serving a search/arrest warrant or conducting a 4<sup>th</sup> waiver search or parole search where forced entry is anticipated, the supervisor (or representative) from the requesting agency will meet with a Sheriff's supervisor to discuss the proposed mission prior to any enforcement action.

The Sheriff's supervisor will review the written operational plan prepared by the requesting agency to ensure that all "high risk" issues have been appropriately addressed as set forth in the Sheriff's High Risk Entry Check List (Form SO-101), and that all deputies are appropriately deployed.

The Sheriff's supervisor may decline to participate if the requesting agency's plans for the execution of the mission do not meet established Sheriff's Department standards for the operation.

It is recognized that, on occasion, personnel may be requested to assist other law enforcement agencies during exigent situations where strict compliance with this policy could adversely impact the safety of others. Personnel will not be expected to comply with this policy if doing so would delay or hamper their ability to prevent human death or injury. Exigent circumstances involving the threat of evidence destruction alone shall not be grounds for noncompliance.

Deputies assigned to task force operations or joint special investigations will continue to operate at the direction of their direct supervisors and/or applicable memorandums of understanding. (09-23-21)

<b>6.117 PRESERVING DIGITAL IMAGES</b>
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Digital photographs intended for evidentiary use should be taken using a high-quality compressed JPEG format (preferable at 3 mega-pixel resolution or better). Since uncompressed files are extremely large, they should be used only when highest photographic resolution and detail is required.

The first digital image of a case is to be a photograph of the case number and date. This can be a photograph of a handwritten note, a computer screen, or any other similar display of this information. Where photographs of a case roll over to another camera storage media, the case number should be photographed again.

All digital photographs taken for a case will be kept, even if a picture is "blank" or of poor quality. No digital photographs will be deleted nor will any images be renamed on the storage media. The sequential order of the images will be maintained (no missing image numbers) while photographing a case.

The original digital images, in their entirety, must be downloaded from the camera and placed onto a non-rewritable archival quality compact disc (CD-R) as soon as reasonable after taking the pictures.

To import the images quickly, CD mastering stations should have a media reader, or the cameras should have USB, FireWire, or other high-speed direct connection support.

Personnel may store image files temporarily on a laptop or desktop hard disk drive during the CD mastering process.

Each download "roll" of images is written to its own folder on the CD. The folder is named using the photographer's (Deputy's) name and ARJIS number, including a sequential number for each extra roll of images that is taken.

All descriptive documents or media in a published standard file format such as WAV, WMA, MP3, DOC, RTF, WPD, WPS, ASCII, MPEG, AVI, JPEG, GIF, BMP, or TIFF file formats, may be included on the CD to provide additional relevant information. All Microsoft supported file formats are acceptable.

No alterations may be made to the original images. Copies of the images may be made and used, as needed, to enhance or examine the images.

The original CD must be made in a single recording session, and the CD itself must be "closed." The CD must be written in the standard CD-ROM "data" (ISO 9660) Joliet format, which is the current standard for data CD's. The CD will be named using the date and time ("YYMMDD\_TIME") that the CD was created, which is standard in Adaptec/Roxio software. For example, "010731\_1424" is the appropriate name for a CD that was created on July 31, 2001, at 2:24 PM.

CD media used for evidence must be of "archival quality" (examples being Kodak Ultima InforGuard or Verbatim DataLifePlus) with at least a 100-year life, as estimated and published by the manufacturer.

The person who downloads or copies the digital images to the CD will immediately confirm that all files were completely and accurately copied as follows:

- Place the CD into another drive (not the CD burner drive).

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- Compare the files on the newly created CD (by file name, date, and size) with the files on the camera storage media (or with those previously copied or moved to the hard disk, whichever is the most original).

The person who downloads or copies the digital images to the CD will also permanently label the CD. The print shop will provide bulk CD labels for use by the stations and facilities.

The original certified CD will be maintained in accordance with evidence guidelines. The CD must be protected from extreme temperatures and other damaging conditions.

A proper chain of custody will be maintained for authentication purposes.

The image files on the camera storage media, along with the files on the hard drive, may be deleted after creation of an original CD.

Additional CD's can be made from the original, but must be marked as duplicates or copies. The trial team, detectives, investigators, etc., may make copies and collections of images for discovery, analysis, or any other necessary legal use.

Duplicates of the original images may be stored and indexed on a secure LAN server. Duplicates of the original images or other media files may also be stored in NetRMS. In both scenarios, these files will not be considered original evidence and are only intended to be used as reference images, media or documents.

Any CD submitted into evidence must be enclosed in a fully enclosed snap-shut jewel case, preferably a "thin-line" jewel case (to minimize use of storage space). Multiple CD and "quad" jewel cases can be used if more than one CD is made for a single case. (02-12-13)

### **6.118 COMMUNITY EMERGENCY NOTIFICATION SYSTEM (CENS)**

#### **General Information**

The Community Emergency Notification System (CENS) is a web-based emergency notification system that will assist public safety officials in making emergency notifications in a timely manner. The system allows the originator to initiate a voice message broadcast to residents or businesses by their predetermined group or geographic location. The Sheriff's Department shall utilize this system as indicated in this section.

#### **Activation Criteria**

The CENS system can only be activated to assist in emergency community notifications regarding:

1. Evacuation Notices
2. Imminent threat to life or property
3. Disaster notification
4. Any notification to provide emergency or public safety information to a defined community, including but not limited:
  - Active shooter incidents
  - Sex offender community notifications (in compliance with P&P Section 6.115)

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The system utilizes the 9-1-1 database to complete the notifications. The use of the 9-1-1 database is regulated by California Public Utilities Code (CPUC) sections 2872 and 2891.1. The information contained in the 9-1-1 database is confidential and proprietary and shall not be disclosed or utilized except by authorized personnel for the purpose of emergency notifications.

### **Prohibited Uses**

The CENS shall **not** be used for any of the following purposes:

1. Routine, informational or educational messages
2. Any message of commercial nature
3. Any message of political nature
4. Any non-official business (e.g. articles, retirement announcements, etc.)

### **System Activation**

A Field Incident Commander (IC) determines that an emergency situation occurs and there is a need for community notification. The IC shall notify the Department Operations Center (D.O.C.) Operations Branch, Evacuation Coordinator at 858-565-3448 and will provide a specific geographic location and the message to be broadcast (see CENS Checklist for required information). If the D.O.C. is not activated, the IC should call 858-565-5025. This number will be answered by the on-duty Watch Commander. The message shall contain all pertinent information such as nature of the emergency, action to be taken by the community, evacuation route, temporary evacuation points, evacuation centers, etc. After receiving all pertinent information, the Communications Center or Department Operations Center (DOC) will activate CENS.

In the event a Contract City believes they have a situation that warrants an activation of the CENS, the request for activation will be made through that City's Sheriff's Station Commander.

Activations will automatically include notification to all media outlets in tandem with public notifications. This will reduce the number of inquiries from the media as emergency information is disseminated.

### **In-service Training/Testing**

Personnel assigned to the Emergency Planning Detail (including the Communications Center Watch Commanders), Dispatch Supervisors and the designated D.O.C. Evacuation Coordinators will receive basic and ongoing training on CENS. The training will be documented.

Field supervisors will receive training on CENS and the information that the Communications Center Watch Commander or the D.O.C. Evacuation Coordinator will need from the field to efficiently utilize CENS.

The Communications Center Watch Commanders/Dispatch Supervisors will test the CENS system once a month by completing a standardized notification. The test will be documented.

The D.O.C. Evacuation Coordinators will test the system once a quarter by completing a standardized notification. The test will be documented. (5-16-07)

<b>6.119 FOOT PURSUIT</b>
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Foot pursuits expose the deputies and fleeing violators to the potential risk of death or serious bodily injury. When engaged in a foot pursuit deputies should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the foot pursuit is continued.

Deputies will do the following while engaged in a foot pursuit, if reasonably possible:

1. As soon as practical, use the radio to transmit that a foot pursuit has been initiated and provide deputy location, direction of travel, and what the suspect is being pursued for.
1. Maintain radio contact by giving updates on direction of travel and suspect actions.
2. Discontinue the foot pursuit if in the best interest of public and deputy safety. (08-27-08)

### **6.120 TARASOFF NOTIFICATIONS**

The California Supreme Court ruled psychotherapists have a duty to warn a potential victim of a serious threat of violence made by one of their patients. Per the Welfare and Institutions Code any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim is prohibited from possessing or purchasing any firearm or other deadly weapon for a period of five years. Welfare and Institutions Code 8105 (c) requires licensed psychotherapists to report the identity of these prohibited persons to local law enforcement agencies. Upon receiving a report from a licensed psychotherapist concerning the identity of a prohibited person, Law Enforcement is required to immediately notify the Department of Justice.

#### **Communication Center Responsibility**

Upon receiving a Tarasoff Notification, the Communication Center will obtain the reporting party's full name, address, and telephone number. The Communication Center will also obtain as much information about the victim as possible. If the victim or suspect is not in the Sheriff's Department's jurisdiction, the call will be transferred to the appropriate law enforcement agency.

#### **Patrol Responsibilities**

Patrol will make a reasonable attempt to locate the suspect, and although law enforcement is not required by law to notify the victim, deputies will make a reasonable attempt to contact the intended victim. The victim should be given information about the threat of violence and the identity of the suspect. If the suspect is located, appropriate action should be taken based on the circumstances surrounding the nature of the threat and weapons considerations (see below).

Patrol deputies shall complete a Case Report detailing the incident and any actions taken. Patrol deputies will also complete a FD4074 Law Enforcement Report of Firearms Prohibition. The form will be faxed by the patrol station to the Department of Justice and a copy of the form will be scanned and attached to the Case Report. Patrol deputies will document in their report the date and time the form was faxed. It should be noted these forms are only to be used in cases which involve a licensed psychotherapist making a TARASOFF notification and not for other crime reporting purposes.

#### **Weapons Considerations**

Pursuant to Welfare and Institution Code 8100(b)(1), a person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims is prohibited from possessing, having under custody or control, purchasing, receiving, or

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attempting to purchase or receive any firearms or other deadly weapon for five years. This prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency.

Per Welfare and Institutions Code 8102, whenever a person, described in Welfare and Institution Code Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. The arresting deputy shall notify the person of the procedure for the return of any firearm or other deadly weapon that has been confiscated. Deputies must keep in mind current search and seizure considerations for confiscating weapons. (05-30-14)

### **6.121 PRESCRIPTION DRUG DROP-OFF PROGRAM**

San Diego County Ordinance 442, adopted June 22, 2010, authorizes the Sheriff's Department to possess prescription medications for the primary purpose of destruction, thereby allowing for the implementation of the Prescription Drug Drop-Off Program.

The Prescription Drug Drop-Off Program provides a safe disposal location at Sheriff's facilities for citizens to properly dispose of unwanted prescription medications. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems, which may later negatively affect the environment. Additionally, this program encourages citizens to remove unwanted medications from their homes, thereby reducing access to addictive medications for accidental or intentional misuse by children in the home or acquisition by criminals.

#### **Prescription Drug Collection**

Designated Sheriff's facilities will provide steel mailbox style collection boxes in which citizens may deposit these medications. The following procedures will be adhered to regarding the installation of the collection boxes and disposal of medications/drugs from the boxes:

- Collection boxes shall be clearly marked for this purpose.
- Collection boxes shall be securely mounted to prohibit removal of the box.
- Collection boxes shall be locked to prohibit retrieval of medications from within the box without a key.
- Citizens may anonymously place their unused medications/drugs into the collection box.
- Medications in containers or prescription bottles can be placed directly into the drop box.
- Medications without containers should be placed into plastic bags prior to placement in the drop box. The facilities should consider having zip lock style plastic bags available to assist citizens with the process.
- Syringes should not be placed in the drop box. Upon request, the Evidence Unit can provide bulk sharps containers to each facility for this purpose.



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- Any containers of liquid medication must be completely sealed.

### Retrieval and Disposal of Medications/Drugs

The Evidence Technician at each facility shall be responsible for collection of the deposited medications.

- The Evidence Technician will obtain the Drug Drop box key from the facility Administrative Sergeant.
- A sworn member of the Department shall accompany the Evidence Technician and retrieve the medications from the Drug Drop box.
  - The collected medications will be inspected for any hazards or non-medications (i.e.: syringes, trash, etc.).
- The Evidence Technician will obtain a gross weight
- The Evidence Technician and sworn staff member shall seal the container.
- A case number will be assigned to the collected medications and a sworn staff member will complete a Found Narcotics report in NetRMS. This allows tracking of data to monitor the program benefits (Note: the Special Studies drop-down [DDP], shall be used for the Found Narcotics report.
- Other station staff shall not have access to the contents of the collection boxes.
  - Station staff may monitor the collection of the drop box contents with Evidence Staff. This allows stations/agencies the ability to track drugs and medications that are being disposed of. This information can be used for evaluation and decisions regarding the program.
- The Crime Lab/Evidence Unit will collect the deposited drugs on a frequency deemed necessary based on the location and usage.
- The Crime Lab/Evidence Unit will bag the deposited drugs, document a general description of the contents, provide a weight of the contents, and place the drugs into evidence pending destruction.
- The Evidence Unit will destroy the collected medications by incineration through a contracted provider of this service. (10-07-10)

<b>6.122 ELECTRONIC EVIDENCE SEIZURE AND HANDLING</b>
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Electronic devices discovered at crime scenes, such as computers, smartphones, cellular phones, tablet devices, gaming consoles, and digital cameras, as well as digital storage media, such as USB thumb drives, CD's, DVD's, external hard drives, or security camera storage may contain related evidence to the crime being investigated. Proper collection and preservation of electronic evidence from these devices can be crucial to the successful prosecution of crimes.

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Using the following procedures will help to ensure proper collection and preservation of electronic evidence.

### **General Principles**

General principles to follow when responding to any crime scene in which computers and electronic technology may be involved include:

- Officer safety: secure the scene and make it safe
- If you reasonably believe that the computer, smartphone or other digital storage device is involved in the crime you are investigating, take immediate steps to preserve the evidence.
- Ensure you have a legal basis to seize and search the electronic devices (e.g., plain view, search warrant, consent).
- Determine if any special legal considerations apply (e.g., doctor, attorney, clergy, psychiatrist, newspapers, publishers).
- If you are unsure of how to handle electronic evidence, contact the Regional Computer Forensics Laboratory (RCFL) or the Computer and Technology Crime High-Tech Response Team (CATCH) for assistance.

### **Evidence Collection**

#### Home/Personal Desktop and Laptop Computers

To properly preserve electronic evidence, the following procedures should be followed in the order listed and notes should be taken for each step as it is completed.

- Do not use the computer or attempt to look through the computer files to search for evidence.
  - The computer forensic examiner will know it and is required to document it.
  - Accessing the files will modify data and possibly destroy important evidence.
- If you reasonably believe that the computer is destroying evidence, immediately shut down the computer by pulling the power cord from the back of the computer.
  - For laptop computers also immediately remove the battery.
- Document the scene by labeling each computer with a number.
- Take photographs of the room, the location/condition of the computer(s), all attached peripheral devices (e.g., printers, routers, scanners) the back of the computer showing the attached cables, and other digital storage media evidence.
- If the computer is connected to a network (attached to router and modem), unplug the power to the router and/or modem, noting the time.
- If the computer power is off, DO NOT turn it on.

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- If the computer is on, please refer to the Field Operations Manual.

**WARNING:** At no time shall any seized flash media be connected to any San Diego Sheriff's Department computer to view.

- The Regional Computer Forensics Laboratory (RCFL) and the CATCH team have a kiosk available for the safe viewing/retrieval of data on Flash Media. This kiosk was set up for the assigned detective to view the data stored on Flash Media as expeditiously as possible.

To properly preserve electronic evidence saved on electronic storage media, the following procedures should be followed in the order listed and notes should be taken for each step as it is completed.

- Document all steps involved in seizure of storage media.
- Keep away from magnets, radio transmitters, static electricity and other potentially damaging devices.
- Collect instruction manuals, documentation and notes.

### Tablets, Smartphone, Cellular Phone & Digital Camera

Tablets, Smartphones (e.g., Android, Blackberry, iPhone), cellular phones and digital cameras may store data directly to internal memory or may contain removable media. The following section details the proper seizure and preservation of these devices and associated removable media.

- Document all steps involved in the seizure of devices and components.
- If the device is "off," do not turn it "on."
- For tablets or cell phones, if the device is "on," leave it "on."
  - Powering down the device could enable a passcode, thus preventing access to evidence or the loss of volatile data.
  - Do not scroll through the phone; doing so will change data on the phone. Passcodes are critical to retrieving user data and every attempt should be made to determine the unlocking code.
- Photograph the device and screen display (if present).
- If the phone is "on," place the phone in "Airplane Mode" or "Standalone Mode."
- The preferred evidence packaging method is to place the phone in a Radio Frequency (RF) blocking container, fabric or Faraday Bag.
- Label and collect all cables (to include power supply/charger) and transport with the device.
  - The phone should be placed on a charger as soon as possible.
- Keep the device charged.
  - If the device cannot be kept charged, analysis by a specialist must be completed prior to battery discharge or data may be lost.
- Seize additional storage media.

**WARNING:** At no time shall any seized flash media, e.g., USB thumb drives, be connected to any San Diego Sheriff's Department computer to view.

- The RCFL and the CATCH Team have a cell phone kiosk for the viewing/analysis of cell phones. This kiosk was set up for the assigned detective to view the data on the cell

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phone as expeditiously as possible. The mobile forensic application is available ~~to~~ and should be considered as an option for cell phone analysis. (08-15-19)

### **6.123 SUBPOENA ACCEPTANCE AND COMPLIANCE PROCEDURES**

The procedures for accepting and responding to subpoenas depend on the type of subpoena that is being served. Sheriff's employees must be able to distinguish between different types of subpoenas, as well as between civil and criminal subpoenas.

Employees who are unsure of these distinctions should consult Legal Affairs. Employees must also be able to distinguish between a subpoena and a summons and complaint. This section covers acceptance of subpoenas only.

#### **1. Subpoena For Personal Appearance Only**

What is an Appearance-Only subpoena?

This is a subpoena that seeks to have an employee of the Sheriff's Department appear in court (or at an administrative hearing) to give testimony, and no documents or records are sought.

When to accept Appearance-Only Subpoenas

Staff must accept an appearance only subpoena that is directed towards an employee, and served at the station where the employee works, except under the following circumstances:

If the subpoena is directed towards the Sheriff, the Sheriff's Department, or anyone else who does not work at the station, the subpoena cannot be accepted. A subpoena directed to the Sheriff or Sheriff's Department must be served at 9621 Ridgehaven Court, San Diego, California. In a civil case seeking the personal appearance of a deputy, if fees have not been paid, the subpoena cannot be accepted. In civil cases before a deputy can be subpoenaed, a deposit of \$275.00 must be posted. The deposit must either accompany the subpoena, or the deposit must have been previously paid. If the process server claims that the deposit has been paid, demand to see a receipt or contact financial services prior to accepting the subpoena. (NOTE: This rule applies to all civil subpoenas of peace officers, including subpoenas for trial, as well as depositions).

In a civil case seeking the personal appearance at trial of a civilian employee, if fees have not been paid, the subpoena cannot be accepted. In civil cases, where a non-sworn employee's presence is sought at trial, before a non-sworn employee can be subpoenaed, a deposit of \$275.00 must be posted. The deposit must either accompany the subpoena, or the deposit must have been previously paid. If the process server claims that the deposit has been paid, demand to see a receipt or contact Financial Services prior to accepting the subpoena. (NOTE: This rule does not apply when the subpoena is for deposition testimony of a non-sworn employee).

**EXCEPTION:** The above rules requiring a deposit do not apply when the County of San Diego or the Sheriff is a party to the action. However, it will not always be obvious on the subpoena when the Sheriff or County of San Diego is a defendant, because the lawsuit may involve multiple defendants, and the Sheriff or County will generally not appear in the caption unless they are the first defendant. As a general rule, when the caption does not list the County or the Sheriff as a defendant, you should decline to accept subpoenas that are not accompanied by an appropriate deposit. If the process server claims that the County or the Sheriff is a defendant, then you

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should accept the subpoena, but notify Legal Affairs, who will be able to verify whether the County/Sheriff is a defendant.

In a criminal case, if the subpoena seeks the appearance of a deputy, and the subpoena is being served less than five working days from the date of service of the subpoena, the subpoena should not be accepted.

However, such a subpoena may be accepted if the Sheriff's employee accepting the subpoena is certain that he/she can personally deliver the subpoena to the deputy before the appearance date.

In a criminal case seeking the appearance of a deputy, if the deputy is on leave and will not be returning to the station before the appearance date, the subpoena should not be accepted.

### **How to accept Appearance-Only Subpoenas**

Appearance-only subpoenas must be accepted by personal service only, except that subpoenas may be accepted by fax from the District Attorney, the Public Defender, and the Alternate Public Defender.

What to do with the subpoena?

The subpoena must be given immediately to the person whose appearance is sought in the subpoena (the witness). Each facility commander is responsible for implementing procedures to insure that subpoenas are immediately given to the employee whose appearance is sought.

The witness must attend the hearing. The witness should contact the attorney who issued the subpoena to determine exactly when their presence is needed in court. Witnesses are not excused from compliance with a subpoena except under extraordinary circumstances (scheduled time off is not an extraordinary circumstance). If extraordinary circumstances exist, and the witness is unable to reach an accord with the attorney issuing the subpoena, the witness should contact Sheriff's Legal Affairs.

In criminal cases, the witness should notify the District Attorney of being served with a subpoena. In civil litigation involving the County, Sheriff's Department or a County employee, the witness should notify the Legal Affairs Unit.

### **2. Subpoena for Personal Appearance and Records/Subpoena for Records Only (Other than Custodian of Records).**

What is a Subpoena for Personal Appearance and Records? (Other than "Custodian of Records")

What is a Subpoena for Records Only?

This is a subpoena that either:

a) seeks the appearance of an employee (other than "Custodian of Records") in court (or at an administrative hearing) AND requires the employee to bring documents

OR

b) seeks to have documents sent either to the court or the party's attorney, without the need for a court appearance

OR

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c) gives the employee the option of either producing the records in court, or sending the records to the court or other party's attorney

These subpoenas usually contain the words "Subpoena Duces Tecum", "Deposition Subpoena" or "Business Records Subpoena."

When to accept a Subpoena for Personal Appearance and Records/Subpoena for Records Only (Other than "Custodian of Records")

The same procedures apply as for Appearance-Only Subpoenas, except as follows:

If the subpoena does not require the personal appearance of a Sheriff's employee, the subpoena should be accepted regardless of when it is served. The person serving the subpoena should be informed that the Sheriff's Department will comply with the subpoena within 5 days in criminal cases, and 15 days in civil cases.

NOTE: Even if a personal appearance subpoena is directed to a witness, it may not require the witness' personal appearance at trial if the witness produces records. If a witness' personal appearance is not required, there will be a box on the subpoena that is checked indicating that no personal appearance is required if the records are produced.

### **How to accept a Subpoena for Personal Appearance and Records/Subpoena for Records Only (Other than "Custodian of Records")**

Subpoenas for Personal Appearance and Records must be accepted by personal service only.

Subpoenas for Records Only (Other than "Custodian of Records") may be accepted by fax from the District Attorney, the Public Defender, the Alternate Public Defender, and the Multiple Conflicts Office, provided the criteria in Section 8 are met.

What to do with the Subpoena?

The same procedures apply as for Appearance-Only Subpoenas, except as follows:

The witness must attend court with the records described in the subpoena, unless the records are not in the custody or control of the witness. Completed reports are not in the custody or control of individual deputies. A deputy or any employee receiving a subpoena that requires them to bring to court a copy of the completed report should telephone the attorney issuing the subpoena, and inform the attorney that they will not produce a copy of the completed report. The attorney should be advised that he/she may be able to subpoena a report by issuing a Records Only subpoena to the Custodian of Records of the Sheriff's Records Division, and serving the subpoena on the Sheriff's Records Division at 9621 Ridgehaven Court, San Diego, CA. For Medical Records only, the subpoena should be served to Chief, Medical Records 5530 Overland Ave, Suite 370, San Diego, CA.

### **3. Subpoena for Personal Appearance and Records/Subpoena for Records Only ("Custodian of Records")**

What is a Subpoena for Personal Appearance and Records? ("Custodian of Records?")

What is a subpoena for Records Only?

This is a subpoena directed to "Custodian of Records" that either:

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a) seeks the appearance of the Custodian of Records in court (or at an administrative hearing) AND requires the Custodian of Records to bring documents

OR

b) seeks to have documents sent either to the court or the party's attorney, without the need for a court appearance.

OR

c) gives the Custodian of Records the option of either producing the records in court, or sending the records to the court or the party's attorney.

When to accept a Subpoena for Personal Appearance and Records/Subpoena for Records Only ("Custodian of Records")

Subpoenas directed to a "Custodian of Records" should only be accepted by the following divisions, at the following locations, when the following records are sought in the subpoena:

Crime and other incident reports (Including CAD printouts and 9-1-1 telephone calls)  
Sheriff's Records Division – 9621 Ridgehaven Court, San Diego, CA

Licensing records  
Sheriff's ID & Licensing Division – 9621 Ridgehaven Court, San Diego, CA

Personnel records  
Sheriff's Personnel Division – 9621 Ridgehaven Court, San Diego, CA

Inmate Medical records  
Sheriff's Medical Services Division – 5530 Overland Ave, Suite 370, San Diego, CA.

Inmate telephone records  
San Diego Central Jail – 1173 Front Street, San Diego, CA  
Inmate custody records (former inmates)  
Sheriff's Records Division – 9621 Ridgehaven Court, San Diego, CA

Inmate (electronic) custody records (current inmates)  
Inmates of San Diego Central Jail – 1173 Front Street, San Diego, CA  
Inmates of George Bailey Detention Facility/Facility Eight – 446 Alta Road, Suite 5300, San Diego, CA  
Inmates of East Mesa Reentry Facility – 446 Alta Road, Suite 5200, San Diego, CA  
Inmates of Vista Detention Facility – 325 S. Melrose Drive, Suite 250, Vista, CA  
Inmates of South Bay Detention Facility – 500 Third Avenue, Chula Vista, CA  
Inmates of Las Colinas Detention Facility – 9000 Cottonwood Avenue, Santee, CA

Inmate (paper) custody records (current inmates)  
Inmates of SDCJ, GBDF, Fac. 8, and EMDF – 1173 Front Street, San Diego, CA  
Inmates of SBDF – 500 Third Avenue, Chula Vista, CA  
Inmates of VDF – 325 S. Melrose Drive, Suite 250, Vista, CA  
Inmates of LCDF – 9000 Cottonwood Avenue, Santee, CA

If the subpoena does not require the personal appearance of the Custodian of Records, the subpoena should be accepted regardless of when it is served. The person serving the subpoena should be informed that the Sheriff's Department will comply with the subpoena within 5 days in criminal cases, and 15 days in civil cases.

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## **San Diego County Sheriff's Department – Procedure**

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If the subpoena does require the personal appearance of the Custodian of Records, and it is a criminal subpoena, the subpoena should not be accepted if it is served less than five business days prior to the hearing date.

### **How to accept a Subpoena for Personal Appearance and Records/Subpoena for Records Only (“Custodian of Records”)**

Subpoenas for Personal Appearance and Records must be accepted by personal service only.

Subpoenas for Records Only (“Custodian of Records”) may be accepted by fax from the District Attorney, the Public Defender, the Alternate Public Defender, and the Multiple Conflicts Office, provided the criteria in Section 8 are met.

What to do with the Subpoena?

If the subpoena requires the personal appearance of the Custodian of Records, contact Sheriff's Legal Affairs. (But, before calling Legal Affairs, verify that the subpoena truly does require the personal appearance of the custodian, and does not give the option of simply delivering the records).

If the subpoena does not require the personal appearance of the Custodian of Records, the records should be gathered, placed in an envelope together with a declaration (see procedure described below) and delivered as follows:

In criminal cases – to the Court, as described in the subpoena, within 5 days.

In civil cases – to the address described in the subpoena, within 15 days (unless there is a Notice to Consumer attached. See section pertaining to “Notice of Consumer”).

NOTE: When the subpoena directs the production of records on a date that is earlier than 5 days after service of the subpoena in criminal cases, or earlier than 15 days after service of the subpoena in civil cases, the 5 and 15 day rules control.

(Example: Subpoena is served on March 1, directing custodian to send records to court on March 10. The custodian has until March 16 to comply with the subpoena).

CIVIL CASES NOTE: If the subpoena is not accompanied by a \$15.00 check, do not transmit the documents. Instead, follow the instructions below, and deliver the records in the sealed envelope to the Subpoena clerk, who will deliver the records upon the payment of all fees.

The documents, and the Declaration of the Custodian of Records should be placed in a large manila envelope and sealed, with the title and number of the action (e.g., People v. John Smith SCN 188888), the name of witness, and the date of the subpoena written in script on the envelope. The sealed envelope should then be placed into another large envelope and mailed to the appropriate location (see above).

The Declaration of the Custodian of Records must be signed by a member of the Sheriff's Department who is qualified to certify the records that are sought in the subpoena. A blank declaration can be obtained from Legal Affairs. The qualified witness must be complete, sign and date the affidavit, and include it with the documents sought in the subpoena.

#### **4. When not to comply with a subpoena**

A valid subpoena compels the witness to either comply with the subpoena, or face legal sanctions. Therefore, once a subpoena is served, it cannot be simply ignored.

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Sometimes, a party will attempt to subpoena records and/or testimony that are confidential, privileged, or not subject to the subpoena process. In other cases, a subpoena may be served that does not comply with the legal requirements for a subpoena. In such cases the subpoena must be forwarded immediately to Sheriff's Legal Affairs for determination of appropriate action.

An employee should not refuse to accept a subpoena that appears to improperly seek certain records. The subpoena should be accepted, and then forwarded to Legal Affairs.

### A. Records that cannot be obtained via subpoena

Employees accepting subpoenas must recognize when a subpoena may be seeking material that is confidential, privileged, or not subject to the subpoena process. Employees should contact Sheriff's Legal Affairs if there is a question as to whether the material should be produced pursuant to subpoena.

The most common examples of material that is confidential, privileged, or not subject to the subpoena process are as follows:

**Personnel records of peace officers.** A subpoena that seeks investigations, payroll records, medical records, employment records, etc. of any Deputy Sheriff (or Reserve Deputy) currently or formerly employed by the Sheriff's Department should be immediately referred to Legal Affairs. Such records are not subject to the subpoena process except under very limited circumstances (Evidence Code §§ 1043, 1045; Penal Code § 832.75, 832.7).

### **Criminal history or Criminal Offender Record Information**

(Government Code § 13300 et seq.) Any subpoena that seeks criminal history, or arrest, detention, or investigative reports of a particular individual OR a particular residence should be brought to the attention of Legal Affairs. However, this does not apply to a subpoena for reports pertaining to a particular incident, where the requestor has provided enough information (aside from the name of the individual) to allow the incident to be identified (such as report number, report date, location of the incident).

NOTE: This category should apply only to records held by the Sheriff's Records Division

**Reports pertaining to cases that are pending active investigation or active prosecution.** When a case is being actively investigated, or actively prosecuted (including pending referrals to the District Attorney's Office), the information may be subject to the Official Information Privilege. (Evidence Code § 1040). Consult with the lead investigator to determine the status of a case. If the case is active, refer the subpoena to Legal Affairs.

**In criminal cases, records and other material that are part of the investigation of the case for which the subpoena is sought.** Penal Code § 1054 et seq. requires that in criminal cases, the discovery procedures stated therein "shall be the only means by which the defendant may compel the disclosure or production of information from prosecuting attorneys, law enforcement agencies which investigated or prepared the case against the defendant, or any other person or agencies which the prosecuting attorney or investigating agency may have employed to assist them in performing their duties." Therefore, when the Sheriff's Department has investigated or prepared the case against the defendant, or assisted the prosecuting agency, the defendant may not subpoena records from the Sheriff's Department.

EXCEPTION: The defendant may subpoena records that are generated in the normal course of business by the Sheriff's Department that do not concern investigations.

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Common examples include Jail administration records, Policy & Procedure manuals, financial records, and medical records.

**Records of arrests/investigation of juveniles.** Such records are confidential and may be obtained only through a juvenile court order. (Welfare & Institutions Code § 827).

Records of arrests/investigation in cases involving child abuse (Penal Code § 11167 et. seq). Such records are confidential and may be obtained only through a court order.

### B. Subpoenas that fail to include proof of service of a “Notice to Consumer”

In criminal cases, a “Notice to Consumer” is not required.

In civil cases, a “Notice to Consumer” is required when a party seeks to subpoena records held by the Sheriff's Department that pertain to a specific individual. Such records include:

- Payroll/Personnel Records
- Jail Records
- Medical Records
- Disciplinary Records (NOTE: All Subpoenas seeking disciplinary records should be forwarded to Legal Affairs)
- Licensing Records

NOTE: A Notice to Consumer is not required when the subpoena seeks a particular arrest report, deputy's report, or crime/incident report. (However, a subpoena seeking “any and all” reports pertaining to an individual is not allowed, as such a subpoena seeks criminal history).

When a subpoena is served that is otherwise valid, but does not contain proof of “Notice to Consumer,” the employee should contact the attorney issuing the subpoena and ask that the subpoena be withdrawn and re-sent along with a “Notice to Consumer.” If the attorney does not agree to do so, the subpoena should be forwarded to Sheriff's Legal Affairs.

### 5. Subpoenas containing a “Notice to Consumer”

A subpoena in a civil case may include a proof of service of a “Notice to Consumer. “

The purpose of the “Notice to Consumer” is to allow the consumer whose records are sought in the subpoena the opportunity to challenge the subpoena.

It is important that the Sheriff's Department, when served with a subpoena that includes proof of a “Notice to Consumer, “ produce the records only after giving the consumer sufficient time to file court papers, if the consumer elects to do so.

Therefore, when responding to a subpoena that includes a “Notice to Consumer,” the response should be mailed on whichever of the following dates is later:

- 15 days from the receipt of the subpoena, or
- the date listed on the subpoena as the date of production

(Example 1: A subpoena served on January 3 which contains a proof of service to a Notice to Consumer directs the records to be produced by January 30. The Sheriff's Department should mail the response no earlier than January 30. However, the employee tasked with responding to the subpoena should begin gathering and preparing the documents in advance of the date of production).

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(Example 2: Same scenario as above, except the subpoena is served on January 24. The Sheriff's Department has 15 days from the date of service to comply with the subpoena). If an objection or a Motion to Quash is served on the Sheriff's Department, the Sheriff's Department will not respond to the subpoena until the issue of the propriety of the subpoena is resolved by the court.

When an objection or a Motion to Quash is received, the objection/motion, together with the subpoena, should be immediately forwarded to Sheriff's Legal Affairs.

### 6. Subpoena Fees

After you have complied with a civil subpoena, a copy of the subpoena, a completed Subpoena Compliance Form, together with any check or money order tendered with the subpoena, should be forwarded to the Sheriff's subpoena clerk for computation fees. (Note: In criminal cases, this is not necessary, as fees may not be recovered).

On the Subpoena Compliance Form, the employee who complied with the subpoena shall note the following:

Whether the witness was required to present testimony (either in court or by deposition), and if so,

How many hours (including travel time) the witness was needed?

How many miles were driven to attend the court hearing or deposition?

Whether any of the hours spent presenting testimony included overtime hours and if so, how many?

Whether any of the following were provided pursuant to the subpoena, and if so, in what quantity:

Reports (Non-Crime Lab)

Reports (Crime Lab)

Photos of evidence

Whether copies were made of any records not listed above, and if so, how many?

The total time, to the nearest quarter-hour (rounded up) that was spent complying with the subpoena.

The subpoena clerk shall determine the amount that the Sheriff's Department may lawfully recover pursuant to state law and county regulations. These laws and regulations include, but are not necessarily limited to:

California Evidence Code §1563

San Diego County Code of Regulatory Ordinances Section 21.1901

California Government Code §68096.1

California Government Code §68097.2

California Code of Civil Procedure §§ 2019.010, 2019.020, 2019.030

The subpoena clerk shall then determine what amount, if any, is owed to the Sheriff's Department, and shall send a bill to the attorney who issued the subpoena. If the bill is not paid within 30 days, the subpoena clerk shall inform Sheriff's Legal Affairs of the non-payment.

NOTE: The "15 Dollar" rule

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The rule (Evidence Code § 1563) is that the records sought in a civil subpoena do not have to be delivered until all fees are paid. However, a civil subpoena that seeks records, and which is not accompanied by a \$15.00 check must still be accepted.

When accepting a civil subpoena for records that is not accompanied by a check, SDCSO employees shall inform the person serving the subpoena that the documents will not be delivered until the fees are paid. By attaching a \$15 check, the subpoenaing party avoids a potential delay in obtaining the documents, as the Sheriff's Department will not deliver subpoenaed records where no fees have been paid. (NOTE: If the \$15 deposit is paid, the Sheriff's Department will transmit the documents even if the costs are more than \$15.00. The Sheriff's Department will collect the balance later).

### **7. When a subpoena is sent by mail or private carrier (e.g. FedEx, UPS, etc.)**

No special rules govern subpoenas sent by mail or private carrier in civil cases.

In criminal cases, however, a subpoena sent by mail or private carrier is not valid unless and until it is acknowledged by the recipient.

If a Sheriff's employee receives an appearance-only subpoena by mail or private carrier five or more business days prior to the date listed on the subpoena, he/she should call the attorney to acknowledge service. The employee is then obligated to attend. (NOTE: Although Penal Code § 1328d contemplates that the subpoenaed employee will provide his or her driver's license number or date of birth to the subpoenaing attorney, no Sheriff's employee is obligated to provide this information).

However, if a subpoena seeks the production of records along with a personal appearance, or is not delivered to the employee at least five business days prior to the date listed on the subpoena, the employee is not obligated to appear. Should the employee be unable or choose not to appear the facility commander (or designee, other than the employee who is the target of the subpoena) shall notify the attorney issuing the subpoena that the employee will not attend for failure to timely serve the subpoena, and refer the attorney to Penal Code Section 1328d.

(NOTE: If an appearance-only subpoena is delivered by mail to an employee less than five days before the date listed on the subpoena, but the employee is willing to make the appearance, then service may be acknowledged and the appearance made).

### **8. Subpoenas by Fax**

The Sheriff's Department accepts "Appearance Only" and "Records Only" **criminal** subpoenas by fax, for its employees, from County public defense agencies only (i.e. Public Defender, Alternate Public Defender, Multiple Conflicts Office). The Sheriff's Department does not accept subpoenas by fax in civil cases, nor in criminal cases when issued by attorneys not affiliated with the County offices listed above.

A subpoena will be accepted by fax if it meets the following criteria:

"Appearance Only" subpoenas

1. The subpoena is directed to an employee who is assigned to the work location that received the faxed subpoena.
2. The subpoena is faxed no later than at the close of business (5:00 P.M.) five business days before the appearance date listed on the subpoena. (Example: A subpoena that commands the appearance of an employee Friday, November 20) must be received by fax no later than 5:00 P.M., Friday, November 13).

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3. The subpoena is issued by an attorney employed by the Public Defender, the Alternate Public Defender, or the Multiple Conflicts Office.
4. The subpoena seeks only the employee's appearance.
5. Staff at the location receiving the faxed subpoena is reasonably certain that they will be able to deliver the faxed subpoena to the employee.
6. The subpoena contains a telephone number where the attorney issuing the subpoena can immediately reached.

### "Records Only" subpoenas

1. The subpoena seeks records that are held at the location where the subpoena was served.
2. The subpoena is issued by an attorney employed by the Public Defender, the Alternate Public Defender, or the Multiple Conflicts Office.
3. The subpoena seeks only the production of records, and does not require the presence of anyone to attend court.
4. The subpoena contains a telephone number where the attorney issuing the subpoena can be immediately reached.

Upon receipt of a faxed subpoena (or subpoenas), the staff member responsible for accepting subpoenas will call the telephone number listed on the subpoena and either communicate their acceptance of the subpoena(s) or explain why the subpoena(s) cannot be accepted. Accepted subpoenas will then be recorded in the subpoena log, and delivered to the employee who is the target of the subpoena, or the employee responsible for complying with the subpoena.

It is the responsibility of the facility commander of every station, substation, jail and civil office to insure that at all times during normal business hours, there is someone who is responsible for checking the fax machine at least once per hour for incoming subpoenas, and processing the subpoenas under the rules described above. (09-19-13)

<b>6.124 GUIDELINES FOR HANDLING LEGAL PAPERS</b>
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### Service of Initial Pleadings

- General Background when individual employees or the Department are named as parties to a civil action, they are served with the papers which initiate the action in order for the court to acquire jurisdiction over them to proceed with the lawsuit. It is extremely important to notify Sheriff's Legal Affairs of such service as soon as possible, since time limits to answer and defend the actions are sometimes exceedingly short. Failure to respond to pleadings on a timely basis may result in judgment against all named defendants.
- Procedure For Handling Writs, Injunctions, Restraining Orders, and Summons and Complaints

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When a person is served with a writ of any kind, an injunction or restraining order, the time to respond is sometimes five days or less. Therefore, as soon as these papers are received, the person served should call Sheriff's Legal Affairs immediately.

The legal advisor will then transmit the papers and pertinent information to County Counsel, or in appropriate cases, to the District Attorney.

When a person is served with a Summons and Complaint, wherein he/she is named as a party defendant in a civil action such as for false arrest, false imprisonment, or for civil rights violations, there is also a time limit for responding to such actions. While Summons and Complaints should be personally served, service can also be affected by leaving a copy of the Summons and Complaint at the employee's place of business and following up by mailing a copy to the named party (CCP Section 415.20). In addition, a person can designate any other person to be his/her agent to accept service (CCP Section 416.90). Whether other methods of service may be valid sometimes calls for a legal determination. If a person believes or suspects that he/she has been served or that someone else believes that questionable service has been effective, all pertinent facts should be promptly submitted to Sheriff's Legal Affairs and a determination requested.

Therefore, all writs, injunctions, restraining orders and Summons and Complaints should be sent immediately to the Sheriff's Legal Affairs with the following information:

Name of person receiving service

Whether service was personal or by mail

Place where served/received

Date and exact time of service/receipt

Whether person served wishes to be represented by County Counsel (form letter available).

A request for representation form is available on the Sheriff's Legal Affairs intranet webpage. (09-29-11)

### 6.125 SEXUAL ASSAULT

The responsibility of the Sexual Assault Unit is to thoroughly investigate those qualifying criminal cases which occur in the jurisdiction of, or in the areas served by, the San Diego County Sheriff's Department.

#### **Preliminary Patrol Response & Investigation**

The responding deputy will conduct the initial investigation; this includes identifying the victim(s), suspect(s), and all other involved parties' information. The deputy should conduct a preliminary interview to determine where the incident occurred and which law enforcement agency has jurisdiction at that location. The deputy should be sensitive to the fact that sexual assault incidents can cause victims to suffer significant emotional trauma.

The deputy must determine if the incident occurred within 120 hour (5 days) of the report. If so, the deputy will preserve the crime scene and contact the station's patrol or detective sergeant to evaluate the circumstances. The sergeant will determine based on the criteria of the call, whether to contact the stations Area detectives or the Sheriff's Sexual Assault Unit.

If the Sergeant determines a detective's immediate response is not necessary, the deputy will attempt to identify and collect any evidence including, but not limited to clothing, bedding, weapons, etc.

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1. Deputies responding to and taking a report of a sexual assault incident shall inform the victim that his or her name will become matter of public record unless he or she request that it not become a matter of public record by performing the following:

- a. Notify the victim of the following, either verbally or in writing:

*"Pursuant to California Penal Code Section 293 and 293.5, you have a right to request that your name not become part of a public record pursuant to California Government Code Section 6254. Before criminal proceedings are initiated in your case, a prosecutor from the District Attorney's Office will fully explain the advantages and disadvantages of electing to keep your name out of public records."*

- b. Document notification of the victim in the narrative section of the report with the victim's response as follows:

*"On (Date) at (Time) I advised (Victim's name) regarding (his/her) rights pursuant to California Penal Code section 293 and 293.5. (His/her) response was ( )."*

- c. Remember it is unlawful for a deputy to request the victim of a sexual assault to submit to a polygraph examination (see penal code section 637.4).

### **NON-INVESTIGATIVE SART REPORTING**

Deputies responding to a Sexual Assault Response Team (SART) facility for a sexual assault victim who does not wish to participate with a criminal investigation shall:

1. Confirm the victim does not wish to participate or that a criminal investigation should not be undertaken (juveniles are mandated reporting)
2. Verify where the incident occurred. (This is only so that the SART facility's bill for the "Non-Investigative SART examination" may be sent to the correct agency).
3. If the incident occurred in another agency's jurisdiction, have the Communications Center notify that agency and take no further action.
4. If the incident occurred in the Sheriff's jurisdiction, obtain a Sheriff's case number. Obtain the SART facility's incident tracking number, the nurse's name and employee number. Include this information in the incident report.
5. Provide the SART nurse with the Sheriff's case number.
6. Document the incident in NetRMS with an Incident Report. Narrative should be brief and offense should be ZZ-MISCELLANEOUS INCIDENT (Incident will be tracked through the "Special Studies" flag).
7. Collect evidence from the SART facility and place into Sheriff's evidence accompanied with a NetRMS property evidence form.

The evidence obtained in the SART will be kept for a period of 18 months from the date of the exam. Should the patient/victim not initiate an investigative report during this time period the evidence will be destroyed per agency guidelines.

**NON-INVESTIGATIVE REPORTING** should not be confused with **UNCOOPERATIVE VICTIM**. All Sexual Assault cases, whether the victim is cooperative or not, where there is additional

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supporting information, should be investigated thoroughly. Evidence collected from the SART Facility in these cases will be tested should they meet the criteria for CODIS.

Investigative Follow-up:

Any investigations involving a Courtesy Report for another agency will be forwarded to the agency where the incident occurred.

### **CASE ASSIGNMENT CRITERIA FOR THE SEXUAL ASSAULT UNIT:**

**Sheriff's Sexual Assault Unit will retain primary investigative responsibilities for the following types of cases:**

- Exceptionally violent sexual assault cases in which the victim is severely injured

"Serious bodily injury" means impairment of physical condition, including, but not limited to, loss of consciousness (caused by physical force); concussion; bone fracture; protracted loss or impairment of any body member or organ; a wound requiring extensive suturing; and serious disfigurement.

- Residential hot prowls involving an apparent sexual predator
- Any case suspected of being part of a sexual assault series
- Other cases involving a potential sexual predator UNKNOWN to the victim. (No alleged date rapes, party rapes, or bar rapes)
- High profile sexual assault cases or those that will generate interest by the media.
- All Felony sexual assaults involving juvenile victims age 14 thru 17
- All 261.5 P.C. cases where the suspect is more than 3 years older than the victim.
- All sexual assault allegations made against on duty Sheriff's personnel.

All misdemeanor juvenile cases and adult sexual assaults not fitting the above criteria will be the responsibility of the area investigators at the station level.

All domestic violence related sexual assault cases will be handled by the area investigators at the station level.

All alleged date rapes, party rapes or bar rapes where suspect is known to the victim will be the responsibility of the area investigators at the station level.

The assigned investigator is responsible for investigative follow-up and eventual disposition of any evidence the case may contain. (09-06-19)

<b>6.126 LACTATION PROCEDURE</b>
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### **Background**

In California, mothers have the right to breastfeed. January 1, 2002 the Lactation Accommodation law was established in the State of California. Federal and California State laws protect a woman's right to lactation accommodations. In California, all employers must provide breastfeeding mothers with break time and reasonable accommodations. Per Labor Code Chapter 3.8 Section 1030, "Every employer, including the state and any political subdivision, shall



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provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee."

### **Lactation Accommodation**

1. An employee who has the need for lactation accommodations should inform her supervisor. The employee and the supervisor can discuss any relevant work or break time issues. Supervisors are required to give employees additional break time to lactate if needed. Employees should use scheduled break times. Additional break time to lactate should run concurrently with regular break time.
2. Supervisors who receive a request from an employee for lactation accommodations will do their best to provide the following:
  - a. A private location for the employee to express breastmilk other than a bathroom due to sanitation issues/concerns. The space should be free from intrusion and in close proximity to the employee's work area. Ideally, the location should have an electrical outlet.
  - b. A reasonable amount of break time to express breastmilk.
  - c. If a supervisor is unable to meet the above listed needs due to the current work facility, it may be necessary to temporarily move that employee to a different work location.

### **Contact with a Breastfeeding Mother in a Sheriff's Facility**

Sheriff's Department employees must adhere to the protections afforded breastfeeding mothers. Any breastfeeding mother in a Sheriff's Facility should not be asked to move or cover-up. The law does not state that a woman needs to cover up while breastfeeding in public. If a member of the public finds the act offensive, department members will instruct the person that under California Law, a mother has the right to breastfeed in public.

"Notwithstanding any other provision of law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present." (California Civil Code 43.3)

The only exception where a deputy may ask a breastfeeding mother to cover-up or move would be at the direction of a Judge. A Judge may ask a deputy to do so, if it is disruptive to the courtroom. (10-31-13)

<b>6.127 PRISON RAPE ELIMINATION ACT</b>
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The Prison Rape Elimination Act (PREA) of 2003 is a federal law that provides guidelines to detect, prevent, identify and deter incidents of sexual misconduct of persons in custody. The federal law was enacted to establish a zero tolerance standard for incidents of sexual misconduct in prisons, jails, lockups and other confinement facilities. The Act requires the development of standards for the detection, prevention, reduction and punishment of sexual misconduct.

The San Diego Sheriff's Department has a zero tolerance policy for all forms of sexual misconduct. Sexual misconduct includes but not limited to sexual abuse and sexual harassment between detainees/inmates, volunteers, contractors, Sheriff's employee or any outside source.

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The zero tolerance of sexual misconduct applies to all facilities and programs providing services to clients under the jurisdiction of the San Diego Sheriff's Department. All allegations of sexual misconduct will be investigated. The Department will impose appropriate disciplinary sanctions and initiate criminal charges against individuals who violate this policy.

### DEFINITIONS

**Community Confinement Facility:** a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition or pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility approved programs during nonresidential hours.

**Contractor:** a person who provides services on a recurring basis pursuant to a contract.

**Cultural Competence:** the ability to work and communicate effectively with people of diverse racial, ethnic, religious and social groups based on awareness and understanding of differences in thoughts, communications, actions, customs, beliefs and values.

**Detainee:** any person detained in a lockup, regardless of adjudication status.

**Gender:** a socially constructed concept classifying behavior as either "masculine" or "feminine," unrelated to one's external genitalia.

**Gender Expression:** a person's expression of their gender identity, including appearance, dress, mannerisms, speech and social interaction.

**Gender Identity:** distinct from sexual orientation and refers to a person's internal, deeply felt sense of being male or female.

**Gender Non-Conforming:** gender characteristics and /or behaviors that do not conform to those typically associated with a person's biological sex.

**Gender "Norms":** the expectations associated with "masculine" or "feminine" conduct, based on how society commonly believes males and females should behave.

**Immigration Detainee:** any person who is in the actual or constructive custody of the Department of Homeland Security's Immigration and Customs Enforcement (ICE), Customs and Border Protection, or the Office of Refugee Resettlement (ORR) pending conclusion of immigration proceedings. ICE houses some detainees in facilities that it owns and operates and contracts with local, State, Federal, and private facilities to hold others. Unaccompanied minors in immigration detention are under the care and custody of ORR and are housed in foster care, shelters, group homes, and secure juvenile detention centers. Customs and Border Protection detains both adults and youth for short periods of time in holding cells before they are moved into ICE custody.

**Intersex:** a condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female.

**LGBTQ+:** acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, questioning and others.

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**Lockup:** a temporary holding facility of a federal, state, or local law enforcement agency. Lockups include locked rooms, holding cells, cell blocks, or other secure enclosures under control of a law enforcement, court, or custodial officer. Lockups are primarily used for the temporary confinement of individuals who have recently been arrested or are being transported to or from a court, local jail, state prison or other facility.

**Medical Practitioner/Mental Health Practitioner:** a medical practitioner or mental health practitioner are professionals who, by virtue of education, credentials, and experience is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A qualified medical practitioner or qualified mental health practitioner refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

**Need to Know:** a criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take action with regard to an inmate's safety or treatment or to the investigative process.

**Non-Binary** – term used by some people who experience their gender identity and or gender expression as falling outside the categories of man and woman. They may self-identify as falling somewhere in between man and woman, or they may define it as wholly different for these terms

**Questioning:** active process in which a person explores their own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming.

**Sex:** one's anatomical make-up, including external genitalia, chromosomes and reproductive system.

**Sexual Identity:** the sex that a person sees themselves as. This can include refusing to label oneself with a sex.

**Sexual Misconduct:** any behavior or act of sexual nature, directed toward a detainee/inmate under the care, custody or supervision of the Department/collateral contract, by a detainee/inmate, volunteer, contractor, Sheriff's employee or any outside source. Sexual misconduct includes but is not limited to sexual abuse and sexual harassment.

**Sexual Orientation:** romantic and/or physical attraction to members of the same or different sex.

**Transgender:** a person whose gender identity (internal sense of feeling male or female) differs from their sex at birth.

**Transgender Female:** a person whose birth sex was male, but understands herself to and desires to live her life as female.

**Transgender Male:** a person whose birth sex was female, but understands himself to be and desires to live his life as a male.

**Victim Advocate:** an individual, who may or may not be affiliated with the Department that provides victims a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information and referrals and advocacy to ensure that victim's interests are represented, their wishes respected, and their rights upheld.

**Volunteer:** an individual who donates his or her time and effort on a recurring basis to enhance the activities and programs of the Department.

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### **PREA COORDINATOR**

The San Diego Sheriff's Department Command staff shall designate a PREA Coordinator to oversee Department compliance efforts. The person selected for this position shall be trained on PREA, as well as have the knowledge and skills necessary to evaluate and recommend or implement PREA compliance policies and protocols.

The duties of the PREA Coordinator shall include:

- Development and revision of existing policies and training to better prevent, detect and respond to incidents of sexual misconduct.
- Identify PREA managers to ensure all Department division entities are represented to ensure overall compliance.
- Oversee all PREA training, tracking and documentation of all staff.
- Review all complaints, grievances and reports related to incidents of sexual abuse.
- Ensure all relevant data is collected, recorded and submitted for the annual DOJ Survey of Sexual Violence and PREA survey.
- Identify sexual abuse incidents that need to be presented to the Critical Incident Review Board (CIRB). Ensure review and report of findings and corrective actions is completed following each incident.
- Ensure all detainees/inmates are informed of Department policy and are afforded multiple avenues for reporting incidents of sexual misconduct.
- Work with auditing entity and provide necessary information.
- Provide ongoing efforts to maintain compliance.
- Develop a Department zero tolerance policy for all forms of sexual misconduct. Bureaus operating a lockup as defined will be responsible for evaluating and revising any relevant operations or policies specific to their respective operations.

### **PREA MANAGERS**

Individual station commands shall designate a PREA Manager for each detention facility, patrol station, courthouse, division and/or specialized unit to represent their respective area. The person selected for each of these positions shall be trained on PREA and will report directly to the Department's PREA Coordinator with regard to PREA audits and compliance protocols and policies.

### **PREVENTION PLANNING**

The following pro-active measures and operations have been implemented, with the intent of preventing and establishing methods to prevent sexual misconduct:

- When staff learns that a detainee/inmate is subject to a substantial risk of imminent sexual misconduct, immediate action will be taken to protect the detainee/inmate.
- Any new contract or contract renewal shall provide for agency monitoring to ensure the contractor is complying with PREA standards.

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- Utilize a staffing plan that provides for adequate staffing and video monitoring to protect detainees/inmates against sexual misconduct.
- Establish separate holding for juveniles from adult detainees/inmates.
- Limit cross-gender viewing and searches.
- Ensure detainees/inmates with physical, intellectual or psychiatric disabilities have an equal opportunity to participate in, or benefit from all aspects of prevention, detection and response to sexual misconduct.
- Conduct extensive criminal background and records checks to prevent hiring and promoting of anyone who has attempted, engaged, been civilly or administratively adjudicated or convicted of sexual misconduct in an institutional setting or in the community facilitated by force, or coercion. A polygraph check and psychological evaluation will also be conducted prior to the hiring of any new employees.
- Upon designing planning, modification or expansion of new or existing lockup, consider the effect of the design's ability to protect detainees/inmates from sexual misconduct. Consideration of staffing levels, placement of video monitoring systems and assignment of staff, in areas where they may be monitoring inmates of the opposite gender.
- Ensure any contracting agreements for confinement of detainees/inmates contains language in the Memorandum of Understanding (MOU) that the entity must comply with the Department's zero tolerance of all forms of sexual misconduct.

### **RESPONSIVE PLANNING**

An administrative and/or criminal investigation will be conducted for all allegations of sexual misconduct. The Department shall employ multiple protection measures, such as housing changes or facility transfers for detainee/inmate victims or abusers, removal of alleged staff or detainee/inmate abusers from contact with victims and emotional support services for staff that fear retaliation for reporting sexual misconduct for cooperating with investigations.

### **TRAINING AND EDUCATION**

All employees, volunteers and contractors who may have contact with detainees/inmates, will be trained on zero tolerance for sexual misconduct. Employees and volunteers will be able to fulfill their responsibilities under sexual misconduct prevention, detection and response. All sheriff's employees, volunteers and contractors will receive PREA training, upon new hire/contract, and then on a yearly basis.

PREA training will be included in the academy curriculum and employee orientation, as well as through briefing training, the Learning Management System (LMS) and training bulletins. A Department PREA website has also been established for use as a reference.

A PREA sign in-sheet (or PREA waiver) will also be utilized in various DSB areas like Food Services, Work Release and the Detentions Volunteer Program. This will serve as a reminder and acknowledgment of the Department's zero tolerance PREA policy.

Staff training shall consist of and include the following:

- Department's zero tolerance policy for sexual misconduct.

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- Prevention, consciousness of detainee/inmate vulnerability characteristics and "red flags."
- Ensure the rights of staff and inmates to be free of retaliation for reporting sexual misconduct.
- Professional behavior and effective communication methods with detainees/inmates.
- Dynamics of sexual misconduct in facilities and common reactions of victims.
- Reporting and response duties.

All investigators shall receive specialized training in techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Each bureau will be responsible for ensuring investigators responding to incidents of sexual abuse have received specialized training in responding to incidents of sexual abuse.

Training shall be documented through employee/volunteer/contractor/visitor signature that they understand the training they received.

Inmates shall receive sexual misconduct training which will consist of and include the following:

During the intake process, detainees/inmates will be informed of the Department's zero-tolerance policy regarding sexual misconduct via the inmate orientation video and posted signage. All information in the video and postings will be provided in English and in Spanish. The orientation video will also have a sign language interpreter. Signage will also be posted in inmate housing, as well as conspicuous areas throughout the facility.

Upon hiring an inmate worker, they will be required to sign a contract (DSB Form J-114) among other items; the form advises the inmate worker of the Department's zero tolerance for sexual misconduct.

### **SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

All inmates will be screened to assess their risk of being a victim or an offender of sexual misconduct with other inmates. The screening will be completed within 72 hours of the inmate's arrival utilizing an objective screening instrument. The Jail Population Management Unit (JPMU) and the Medical Services Division (MSD) will share information obtained, on a need to know basis, to ensure inmates are assessed and identified appropriately, in order to ensure their safety and initiate any necessary support services. MSD has developed their own protocol for operational procedures and response.

Prior to placing inmates together in a holding cell, staff shall consider whether, based on the information before them, an inmate may be at a high risk of being sexually abused and, when appropriate, take necessary steps to mitigate any such danger to the inmate.

During the classification interview, inmates will be asked their own perception of vulnerability to assess appropriate housing. Factors to take into consideration are the inmate's physical characteristics (build and appearance), age, previous assignment in specialized housing, alleged offense and criminal history or concerns expressed by the inmate. Inmates may not be disciplined for refusing to answer or failing to provide information in response to screening questions.

Involuntary segregated housing (Protective Custody) is to be used only after review of all available housing alternatives has shown that there are no other means of protecting the inmate. If segregated housing is used, the inmate should have all possible access to programs and services for which he/she is otherwise eligible, and the facility should document any restrictions

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imposed. A review will be conducted every 30 days to determine if ongoing involuntary segregated housing is needed.

Lesbian, Gay, Bisexual, Transgender, Questioning or Other (LGBTQ+) inmates will have housing and programs assigned by individual assessment. LGBTQ+ inmates will not be classified into facilities or housing units solely based on their identification as LGBTQ+, unless such a dedicated unit exists for the purpose of protecting such inmates.

Housing and programming will be reassessed at least twice a year to review any threats to safety experienced by the inmate. LGBTQ+ inmates will have the same opportunities and access to programming as other inmates, providing the facility is able to maintain and afford these individuals the same level of security to maintain their safety.

Intersex or transgender inmates will not be strip searched for the sole purpose of determining their genital status.

### **REPORTING**

All staff is required to immediately or as soon as reasonably practical report any knowledge, suspicion, instances of retaliation, staff neglect or violation of responsibilities, or information regarding an incident of sexual misconduct that occurred in a facility or program providing services to detainees/inmates under the jurisdiction of the San Diego Sheriff's Department.

Responsibilities include:

- Staff shall accept reports made verbally, in writing, anonymously and/or from third parties, and promptly document any of these verbal reports.
- The Department will provide staff with a method to privately report sexual misconduct of detainees/inmates. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual misconduct report to anyone other than to the extent necessary, as specified to make treatment and investigative decisions.
- If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable person's statute, the Department will report the allegation to the designated state or local services agency under applicable mandatory reporting laws.

Detainees/Inmates:

- Detainees/inmates can privately report retaliation from other detainees/inmates or from staff for reporting sexual misconduct and staff neglect or violation of responsibilities that may have contributed to such incidents.
- Detainees/inmates will have at least one way to report sexual misconduct to a public or private entity or office that is not part of the Department and is able to receive and immediately forward detainee/inmate reports of sexual misconduct to Department officials, allowing the detainee/inmate to remain anonymous upon request. Housing unit postings will have the telephone numbers of outside agencies and resources.
- Detainees/inmates with disabilities or limited in English proficiency, have equal opportunity to participate in or benefit from all aspects of our efforts to prevent, detect and respond to sexual misconduct. Interpreters will be provided to ensure effective communication. Detainees/inmates will receive information verbally, through the inmate orientation video, housing posted signs and upon individual request made to staff.

### **RESPONSE TO INCIDENTS OF SEXUAL ABUSE**

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Sworn first responders learning of an allegation that a detainee/inmate was sexually abused shall:

- Separate the alleged victim and abuser.
- Notify their respective sexual abuse investigators or area detectives.
- Notify the Division of Inspection Services.
- If the alleged sexual abuse is reported or discovered prior to 120 hours after the incident, secure and preserve any crime scene until appropriate steps can be taken to collect any evidence. In addition, the victim should be asked if they retained any evidence of the sexual abuse (e.g., soiled bedding, clothing, etc.)
- Notify facility medical staff to coordinate necessary medical and social services. If the abuse occurred within 120 hours, the alleged victim shall be taken to an appropriate medical facility for a Sexual Assault Response Team (SART) examination.
- If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a sworn staff member, the responder shall be required to request the alleged victim not take any actions that could destroy physical evidence, then notify sworn staff.

Medical and Mental Health Care:

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

### **INVESTIGATIONS**

All allegations of sexual misconduct will be conducted promptly, thoroughly and objectively, including third-party and anonymous reports.

- The Detentions Investigation Unit (DIU) will investigate and conduct criminal investigations conducted within detention facilities and areas which house inmates in our custody that are supervised by the Sheriff's CPAC unit.
- Any responding investigator, from their respective bureau, will have completed specialized training in conducting sexual abuse investigations.
- The Internal Affairs Division will conduct administrative investigations.
- All criminal and administrative reports relating sexual misconduct of detainees/inmates shall be retained as long as the alleged abuser is incarcerated or employed by the Department, plus five years.

If a criminal investigation is warranted, investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.



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When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a detainee/inmate or relationship/role.

No detainee/inmate who alleges sexual abuse will be required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an investigation.

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the sexual misconduct incident. They shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings. Substantiated allegations of sexual abuse, that appears to be criminal, shall be referred for prosecution. The departure of an alleged abuser or victim from the employment or control of the Department shall not provide basis for terminating an investigation.

Following an investigation into a detainee's/inmate's allegation of sexual abuse, the detainee/inmate shall be notified as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Following a detainee's/inmate's allegation that a staff member has committed sexual abuse; the Department shall inform the client of the following:

- Whether or not the staff member is assigned to the detainee's/inmate's housing area.
- Whether or not the staff member is assigned to that facility.
- The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
- The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility. This requirement shall not apply to allegations that have been determined to be unfounded.

### **DISCIPLINE**

Staff shall be subject to disciplinary sanctions up to and including termination for violating Department sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.

Any contractor or volunteer who engages in sexual misconduct shall be prohibited from contact with detainees/inmates and be reported, unless the activity was clearly not criminal.

### **REVIEW**

A review will be conducted upon conclusion of every sexual abuse investigation by the facility. This is to include allegations which have not been substantiated, unless the allegation has been determined to be unfounded. Reviews shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials, with input from line supervisors and investigators. The Facility Commander may use other entities or investigative units (i.e. Sexual Assault Unit (SAU), DIU, Internal Affairs (IA), Medical Services Division (MSD)).

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The review team shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, LGBTQ+ status, or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility.
- Examine the area where the incident allegedly occurred to assess whether physical barriers in the area enabled abuse.
- Assess the adequacy of staffing levels in that area during different shifts.
- Assess whether monitoring technology should be deployed or augmented supplement supervision by staff.
- Prepare a report of findings to include recommendations for improvement. The report of findings shall be submitted to the PREA Compliance Manager (DIS).
- The facility shall implement the recommendations for improvement or shall document reasons for not doing so.

DIS will review data and reports of findings for each incident of sexual misconduct and determine if an incident should be recommended for presentation to the Critical Incident Review Board (CIRB).

### **DATA COLLECTION**

Data will be collected by DIS for every allegation of sexual misconduct under the direct control of the Department and shall be aggregated at least annually. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice, or any subsequent form developed and designated for detention facilities.

DIU, SAU and IA shall maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews. The Department shall obtain incident-based and aggregate data from any private agency with which it contracts for confinement of its detainees/inmates. Upon request, the Department shall provide all such data from the previous calendar year to the Department of Justice.

Data reported from DIU, SAU and IA will be reviewed by DIS in order to improve the effectiveness of its sexual misconduct prevention, detection and response policies, practices and training including:

- Identifying problem areas.
- Taking corrective action on an ongoing basis.
- Preparing an annual report of its finding and corrective actions for each facility, relevant operational area, as well as the Department as a whole.
- The final report shall be approved by the Sheriff and made available to the public via the public website.

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- The Department may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the Department, but must indicate the nature of the material redacted.

The Department shall ensure all data collected is securely retained. All aggregated sexual misconduct data from facilities, relevant operational area and private agencies with which the Department contract shall be readily available to the public annually via the public website. Any personal identifiers shall be removed prior to posting.

All sexual misconduct data collected as listed shall be maintained at least ten years after the date of the initial collection unless federal, state or local law requires otherwise.

### **AUDITING AND CORRECTIVE ACTION**

If an external audit is warranted, the Department of Justice may send a recommendation for an expedited external audit if the DOJ has reason to believe that a particular facility may be experiencing problems relating to sexual misconduct. This recommendation may also include referrals and resources that may assist with PREA related issues.

DIS shall be the point of contact for any PREA external audits of Sheriff's detention facilities, patrol stations, court holding and/or any other sites requiring review. They shall provide the PREA auditor with any requested information.

The PREA Auditor shall:

- Have access to and shall observe all areas of the audited facilities.
- Be permitted to request and receive copies of any relevant documents (including electronically stored information).
- Shall be permitted to conduct private interviews with detainees/inmates; who shall be permitted to send confidential information or correspondence to the auditor as if they were communicating with legal counsel.

The auditor's final report shall be posted on the Sheriff's public website.

A PREA audit finding of "Does Not Meet Standards," with one or more standards shall trigger a 180 day corrective action period. The auditor and Department shall jointly develop a corrective action plan to achieve compliance.

After the 180 day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.

If the Department does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

### **APPEALS**

The Sheriff's Department may lodge an appeal with the Department of Justice regarding any specific audit finding that is believed to be incorrect. Such appeals must be lodged within 90 days of the auditor's final determination.

If the DOJ believes the Department has stated good cause for a reevaluation, the Department may commission a re-audit by another auditor mutually agreed upon by both agencies. The Department shall bear the costs of this re-audit. The findings of the re-audit shall be final.

(04-21-22)

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### 6.128 USE OF NALOXONE

#### **Deployment**

The San Diego County Sheriff's Department employees will deploy Naloxone kits as stated in the Policy and Procedure Manuals pertaining to their assigned bureau.

#### **Naloxone use**

When using Naloxone, Sheriff's employees will maintain precautions against blood borne and respiratory pathogens. Sheriff's employees must assess the person to determine unresponsiveness, absence of breath or pulse, and perform CPR/First Aid as required. Sheriff's employees should conduct a quick survey of the area to check for evidence of drug use. If the Sheriff's employee determines the patient is likely suffering a medical emergency as a result of an opiate overdose, the Sheriff's employee will make the required notifications with the updated information that the patient is in a potential overdose state. The updated information will be relayed to the medical response unit. Sheriff's employees shall follow the protocol as outlined in the Naloxone training. Sheriff's employees will inform responding EMS/Paramedics that they have administered Naloxone and the number of doses used.

#### **Issuance:**

Naloxone is an opioid antagonist, a lifesaving medication that is used for the reversal of an opioid overdose. The medication can be dosed or administered in many forms. NARCAN (naloxone HCL) nasal spray is the temperature stabilized medication applicator approved for First Responder use. Sheriff's employees will follow the procedure pertaining to the issuance and storage of the Naloxone (NARCAN) kits as set forth in their bureau's Policy and Procedure manual.

#### **Maintenance / Replacement**

Sheriff's employees shall inspect the kit at the time they check it out.

The station/facility Naloxone (NARCAN) administrator (the Administrative Sergeant or designee) will conduct an inspection of the Naloxone kits on the first workday of each month and collect the prior month's Naloxone kit sign in/out forms for inventory to ensure a consistent, ready supply. The Naloxone (NARCAN) administrator will also perform a monthly audit of these forms to ensure compliance.

Missing or damaged Naloxone kits will be reported as missing or damaged equipment to the station/facility Naloxone (NARCAN) administrator. The Naloxone (NARCAN) administrator will re-issue new kits as needed or as supply allows. Each station/facility will be responsible for ordering and/or re-ordering their own Naloxone doses from Sheriff's Medical Services.

#### **Documentation / Naloxone report**

After administering Naloxone, an employee will brief responding medical staff, and complete all required reports. A Naloxone Usage Report form (SO-195) will also be completed, including a short narrative. The Narrative should include a description of any evidence of drug use observed at the scene (drugs, paraphernalia, etc.). The original copy of the report will be forwarded to the station/facility Naloxone (NARCAN) administrator. (07-06-21)

### **6.129 OBTAINING INFORMATION POSSESSED BY TRIBAL GOVERNMENTS OR CONDUCTING OPERATIONS ON TRIBAL LAND**

#### **Purpose**

This section articulates the procedures to be followed by Sheriff's Deputies when seeking to obtain information that is in the possession of a tribal government.

This section also articulates the procedures to be followed by Sheriff's deputies or supervisors whose primary area of responsibility does not fall within a tribal reservation but seek to conduct an enforcement action or investigative operation on tribal lands.

Indian tribes on reservations within San Diego County have sovereign authority. This means that they are a self-governing nation and have their own government. Sheriff's Department employees shall make every effort to respect the sovereignty of tribal nations. Under Federal Public Law 280, the San Diego County Sheriff's Department has jurisdiction over criminal offenses committed in San Diego County, including tribal reservations. California's criminal laws apply on tribal reservations as they do anywhere else in the state.

During the course of conducting criminal investigations on tribal lands, it may become necessary to obtain tribal records or other property in the possession of a tribal government, to serve a search/arrest warrant, to conduct surveillance or another investigative operation. In the absence of an urgent need to preserve evidence or take law enforcement action, the following procedure shall be adhered to by all Sheriff's Department employees.

#### **Tribal Liaison**

The Captain or Lieutenant of each station or substation whose jurisdiction includes tribal lands shall serve as tribal liaison. It is the responsibility of the tribal liaison to know the structure of the tribal government in his or her jurisdiction, and the role of tribal police and tribal security. As a general rule normal requests for tribal records related to any casino operation (i.e. surveillance video, player tracking, etc.) will be delegated to a deputy or detective at the station or substation. For all other tribal government records not related to casino operations, the tribal liaison will be the conduit for obtaining such records.

#### **Notifications**

Prior to attempting to serve a subpoena or search warrant for tribal government records or materials, including casino records, the Sheriff's deputy seeking investigative material relating to a criminal investigation shall contact the tribal liaison at the designated Sheriff's station or substation where the tribal government is located. The tribal liaison shall then contact the tribal government, following the appropriate tribal government protocol and ask that the property or records be provided to the Sheriff's Department. Absent exigent circumstances, voluntary compliance shall always be sought prior to the service of a search warrant.

When Sheriff's deputies plan law enforcement or investigative activity (i.e. search warrant service, arrest warrant service, probation checks, surveillance, etc.) on tribal lands, the supervisor or lead investigator shall contact the tribal liaison at the designated Sheriff's station or substation where the tribal government is located unless there are exigent circumstances. If exigency exists, the tribal liaison shall be notified as soon as possible but prior to the end of the law enforcement or investigative activity. Prior to the service of any warrant, probation/parole/4<sup>th</sup> waiver search,

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surveillance, TKO, Buy-Bust, etc., a Sheriff's Operation Plan (SO-125) should be completed with the "service on tribal land" box checked.

It is at the discretion of the tribal liaison to determine notification of the Tribe based on existing protocols. It will be the responsibility of the tribal liaison to advise the tribal government of Sheriff's law enforcement or investigative activity, pursuant to the informal understanding developed with the tribe. This notification shall be made as soon as practicable, unless notification will compromise the collection of evidence, the execution of the warrant, the safety of the public or the safety of law enforcement personnel. Public safety and investigative integrity will always take priority over immediate notification. (12-15-15)

### **6.130 License Plate Recognition (LPR)**

This Department Procedure establishes guidelines for Department members using License Plate Recognition Technology.

License Plate Recognition (LPR) data is collected by utilizing specially-designed cameras to randomly capture an image of a vehicle license plate and convert the plate characters into a text file using optical character recognition technology. If a match is found, the LPR user is notified. The LPR system is an objective non-discriminatory public safety tool as it is programmed to check all vehicles in the same manner. Data obtained by LPR cameras is useful in criminal investigations.

The use of LPR systems and information is restricted to official and legitimate law enforcement purposes only. Department employees shall not use, or allow others to use the LPR equipment, database or information for any unauthorized purpose.

#### **PRIVACY AND DATA QUALITY**

Access to and use of LPR data is for official law enforcement purposes only. Accessing and/or releasing data from the LPR system for non-law enforcement purposes is prohibited. LPR data access and use should comply with the P&P 7.6.

#### **AUDITING AND ACCOUNTABILITY**

Access to, and use of, LPR data is logged for audit purposes. Audit reports are structured in a format that is understandable and useful and will contain, at a minimum:

- The name and agency of the user
- The date and time of access
- The specific data queried
- The justification for the query including a relevant reference number (i.e. case #, incident #, or assigned task force #) if available at the time.

At least once during each calendar year, the Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit will be the responsibility of the Agency Terminal Coordinator (ATC). Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user's immediate supervisor for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent misuse, and requirements policy changes, training enhancements, or additional oversight mechanisms.

#### **PROCEDURES**

- A. Authorized Purposes, Collection, and Use of LPR Data

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LPR systems have proven to be very effective tools in combating crime. LPR operation and access to LPR data shall be for official law enforcement purposes only. The LPR system is restricted to legitimate law enforcement uses for the purpose of furthering law enforcement investigations and enhancing public safety. The legitimate law enforcement purposes of LPR systems include the following:

1. Locating stolen, wanted, or subject of investigation vehicles.
2. Locating witnesses and victims of violent crime.
3. Locating missing or abducted children and at risk individuals.

### B. LPR Strategies

1. LPR equipped vehicles should be deployed as frequently as possible to maximize the utilization of the system.
2. Regular operation of LPR should be considered as a force multiplying extension of a Deputy's regular patrol efforts to observe and detect vehicles of interest and specific wanted vehicles.
3. LPR may be legitimately used to collect data that is within public view, but should not be used to gather intelligence of First Amendment activities.
4. Reasonable suspicion or probable cause is not required for the operation of LPR equipment.
5. Use of LPR equipped cars to conduct license plate canvasses and grid searches is encouraged, particularly for major crimes or incidents as well as areas that are experiencing any type of crime series.

### C. LPR Procedures

LPR informational data files are periodically updated with different data sources being refreshed at different intervals. Therefore, it is important that LPR users take into account the potential for lag time between last update and an alert provided by the LPR system on a vehicle of interest or wanted vehicle. Any alert provided by an LPR system is to be considered informational and advisory in nature and requires further verification before action.

When alerted that a vehicle is wanted, stolen, or of interest to law enforcement, the mobile operator should, to the fullest extent possible, take the following steps:

1. Ensure the plate was read properly and that the state of origin is consistent with the alert.
2. Confirm the alert status by either manually entering the plate via the MDCT or requesting the check through dispatch.
3. Review the alert information to determine the nature of the advisory.
4. In the event that compelling circumstances are present or situational deputy safety issues make it unsafe to confirm the status of the alert information

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prior to taking action, the operator must confirm the status of the alert information as soon as possible.

5. When action is taken on an alert vehicle, it is the responsibility of the person taking action to provide the appropriate disposition information so the system may be updated as necessary.
6. Only sworn law enforcement officers should engage in contacting occupants of stolen or wanted vehicles.
7. Any incorrect read will be corrected within the system.

### **LPR Data Storage, Retention and Access**

LPR systems have the capacity to collect and store data relevant and necessary for authorized law enforcement purpose.

- A. As established by the ARJIS Chiefs/Sheriff's Management Committee, LPR data will be retained for a period of one year from the time the LPR record was captured by the LPR device. If the Department determines the LPR data is relevant to an ongoing criminal investigation, the department has the responsibility to document and retain the records on the department's server or in the case file. The LPR data documented in the criminal or administrative investigation will follow the same retention period as the report.
- B. All electronic images or data gathered by LPR technology are for the exclusive use of law enforcement personnel in the discharge of official duties and are not open to the public.
- C. Law enforcement officers shall not share LPR data with commercial or private entities or individuals. Law Enforcement officers may disseminate LPR data to government entities with an authorized law enforcement or public safety purpose for access to such data.
- D. These guidelines do not limit the use of the electronic images or data for legitimate purposes by prosecutors or others legally permitted to receive evidence under the law.
- E. Only authorized Sheriff's personnel who have successfully completed CLETS training may access and use LPR data. The requirements concerning the security and confidentiality are set forth in the FBI Security Policy and the CLETS PPP.  
<https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>

### **Official Custodian/Owner of the LPR System and Information**

Data Services IT Engineer assigned to administer LPR system is responsible for implementing the provisions of this usage and privacy policy as the official custodian/owner of the LPR system and the LPR information. (8-15-2019)



### 6.131 BODY WORN CAMERAS

The body-worn camera (BWC) is an “on-the-body” audio and video recording system assigned to a deputy sheriff or community services officer (CSO) as an additional means of documenting specific incidents in the field Law Enforcement Services Bureau (LESB), Court Services Bureau (CSB), and Detention Services Bureau (DSB). Deputies/ CSO's are responsible for knowing and complying with this procedure and applicable bureau specific manuals and procedures.

#### TRAINING

Deputies/ CSO's will not use the BWC until they have successfully completed the required training.

#### GENERAL

- BWC's shall be operated in accordance with the manufacturer's guidelines and Department training, policies, and procedures.
- BWC's shall be worn or used by uniformed personnel at all times during on duty hours in a law enforcement capacity, unless directed by a supervisor.
- BWC equipment is for official use only and shall not be utilized for personal use.
- All digital evidence collected using the BWC is considered property of the San Diego County Sheriff's Department and is for official use only.
- Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use, or contrary to this procedure, is strictly prohibited.
- Public release of digital evidence is prohibited unless approved by the Sheriff or their designee.

#### GENERAL OPERATIONAL PROHIBITIONS/RESTRICTIONS

Sheriff's Department personnel shall not tamper with or dismantle any hardware or software component of any BWC device.

Deputies/CSO's will typically not allow citizens to review recordings; however, deputy/CSO discretion is allowed to replay the recording for citizens at the scene in order to mitigate possible minor complaints.

Deputies/CSO's shall not make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from BWC software or any device utilized to view data recorded on body- worn cameras.

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Deputies/CSO's are prohibited from pairing or using their personal phone, smart device, or other personal recording device for body-worn camera applications, or audio recording applications, unless authorized by a supervisor.

Deputies are authorized and may wear their assigned BWC while working overtime assignments. However, deputies shall ensure that the use of the camera while working overtime will not interfere with the use of the body-worn camera while working their regular shift.

### **CAMERA POSITION**

Deputies/ CSO's shall wear the BWC in a position that provides for the most effective recording angle for the model provided to the wearer while also ensuring the ability to safely activate the camera prior to, or during an incident.

Deputies/CSO's shall not intentionally obscure the view of their body worn camera.

### **ADVISEMENTS ABOUT RECORDING**

Deputies/ CSO's are not required to give notice that they are recording, whether in public areas or private residences. However, if asked, the deputy/CSO may advise citizens they are being recorded.

When recording interviews, employees shall ensure they record any admonishments prior to the start of an interview.

Deputies and Sheriff's supervisors involved in an administrative investigation of a complaint against a member of the Sheriff's Department must inform complainants and witnesses they are being recorded.

### **WHEN AND WHERE TO RECORD**

*It is the intent of the Sheriff's Department to record all law enforcement related contacts, and other contacts deemed appropriate.*

#### **Law Enforcement Related Contacts**

When responding to a call for service, a deputy/CSO shall activate their BWC in record mode prior to arriving on scene or upon arrival and prior to exiting their patrol vehicle. In situations where activation was not accomplished prior to arriving on scene, those reasons shall be articulated in writing via case related report, or if no report, in CAD.

Deputies/CSO's should also begin recording prior to initiating any law enforcement related contact. Deputies/ CSO's shall activate the BWC to record all law enforcement related contacts. While away from department facilities, deputies shall keep their BWC powered on and in stand-by mode, anticipating law enforcement related contacts. If for confidential or personal reasons, deputies/CSO's feel the need to power-off their BWC momentarily (i.e., phone call, email or bathroom break) while away from department facilities, they need to remember to power-on and reactivate their BWC after their reasoning for powering-off has concluded.

The record mode of the camera should be activated prior to actual contact with a citizen (victim/witness/suspect), or as soon as safely possible, and continue recording until the contact is completed.

Deputies shall begin recording prior to arriving to an incident if the call has the potential to involve immediate enforcement action upon arrival.

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Law enforcement related contacts include but are not limited to the following: traffic stops, field interviews, vehicle tows, issuing of citations, issuing of parking tickets, detentions, arrests, persons present at radio calls who are accused of crimes, serving court orders or civil papers, investigative interviews, deputy initiated consensual encounters and private person-initiated contacts of a confrontational nature.

Specific acceptable uses of a BWC include, but are not limited to:

- Capturing crimes in-progress
- Maintaining evidence for presentation in court
- Documenting initial department response, discovery of evidentiary items and actions of the Department pursuant to an investigation
- Aiding in the documentation of victim, witness or suspect statements pursuant to a criminal investigation and the on-scene response and/or document advisement of rights, if applicable

Deputies in plain clothes assignments are not required to wear BWC's; however, they will utilize a BWC when working or assigned to a uniformed patrol assignment or when donning an external vest in a plain clothes assignment if issued a BWC. Members of task forces are not required to wear BWC's while working in a task force capacity but may be directed to do so by a supervisor.

### **Victim, Witness, and Suspect Interviews**

Deputies/CSO's shall record all victim, witness, and suspect interviews on their BWC's and use the recordings to assist them with report writing. When recording suspect interviews, deputies shall ensure they also record any admonishments prior to the start of an interview.

### **Searches**

Uniformed deputies, and deputies in plain clothes assignments wearing external vests and required to use their BWC, shall record during the execution of a search warrant regardless of whether or not persons are present, also during service of an arrest warrant, a Fourth Amendment waiver search, or a consent search in which the deputy is looking for a suspect, victim of a crime, evidence or contraband.

### **Protests or Mobile Field Force (MFF) deployments**

Uniformed deputies equipped with BWC's shall activate the record feature, if presented with a threat of violence or potential for law enforcement related contacts, while actively deployed at protests. This includes both MFF deployments as well as uniformed monitoring of smaller events such as those that occur regularly at the County Administration Center (CAC).

### **WHEN AND WHERE NOT TO RECORD**

BWC's shall not be used to record non-work-related activity.

BWC's shall not be used to record in areas or activities such as pre-shift conferences, department locker rooms, break rooms, report writing rooms, tactical briefings or other activities not related to law enforcement activity.

BWC's shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.

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## **San Diego County Sheriff' s Department – Procedure**

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Deputies/CSO's shall not use BWC's to make surreptitious recordings of other department members.

Investigators shall not use the BWC's during Department administrative investigations.

### **Superior Court Sheriff Facilities**

Recording within a courthouse is at the discretion of the Presiding Judge. Sheriff's Department personnel shall follow the guidelines within the Rules of Court, Rule 1.150. Recording of day-to-day proceedings shall not be done, but specific events that are of interest to the department, consistent with the goals of our BWC program, may be recorded.

1. Court-assigned Department personnel should activate their BWC device only when:
  - i. Acts of aggression begin on the part of a member of the public, an incarcerated person, or a defendant.
  - ii. A Deputy observes a violation of court rule(s) that may result in expulsion from the courtroom; or
  - iii. Taking any enforcement action anywhere in the courthouse.
2. The Presiding Judge shall be informed of BWC activations inside the courthouse as soon as practical by a Supervisor.
3. In the event a BWC is activated in a courtroom, the judge assigned to that courtroom shall be notified as soon as practical by the Bailiff.
4. Department court-assigned personnel shall not activate their BWC device to record:
  - i. Attorney/Client communications; or
  - ii. Witnesses, jurors, or minors who are acting lawfully; or
  - iii. Jury selection, in-chambers proceedings, Pitchess Motion proceedings, Marsden or closed hearings, or court staff meetings.

### **Patient Privacy**

Deputies/CSO's may record patients during medical or psychological evaluations by a clinician or similar professional or during treatment, when necessary, by law or to preserve evidence. This includes during PERT clinician interviews. Deputies/CSO's shall be sensitive to patients' rights to privacy when in a hospital or medical facility setting and attempt to avoid recording persons other than the victim, witness, or suspect.

Deputies/CSO's shall not record while in a facility whose primary purpose is to provide psychiatric services unless responding to a radio call involving a suspect who is still present or transporting an arrestee to a psychiatric facility.

Regardless of the setting, deputies confronting a violent or assaultive suspect, or anticipating using force, shall activate their BWC's to record the encounter.

### **Process for Interview Refusals**

Deputies/CSO's shall record victim and witness interviews as previously described. However, if the victim or witness refuses to provide a statement with the BWC turned on, the deputy/CSO may shut off the BWC after adhering to the following procedure:

- Before turning off the BWC, the deputy/CSO shall verbally notate on the BWC the reason for shutting it off and the time it is shut off.

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- During the interview, if it becomes appropriate to reactivate the BWC, the deputy/CSO will immediately or as soon as practical, do so.
- Deputies/CSO's shall document in NetRMS that the BWC was turned off and the reasons why.

### MUTING

BWC's are equipped with functionality to allow for the "muting" of the camera. This allows video recording without audio. Muting is generally discouraged; however, there are situations in which muting may be beneficial. The muting of the camera shall only be performed as directed by a supervisor or in accordance with the specific considerations of this policy. Audio may be muted for a specific articulable reason and only for the amount of time necessary to complete the privileged conversation. Once privileged conversation has concluded, the camera shall be returned to full function. In all instances of muted audio, the deputy will document the reason for muting. Before muting the recorder, the deputy shall consider verbally explaining the reason for muting. Here are considerations for muting:

- TACTICAL CONSIDERATIONS

When specific law enforcement tactics are being discussed, which if released could result in the compromise of future law enforcement operations or jeopardize officer safety.

- CONFIDENTIAL INFORMATION CONSIDERATIONS

Due to the confidential nature of some investigations, any personnel utilizing a BWC device must be aware of any potential issues which may result in the compromise of an investigation or could potentially lead to a cooperating individual being harmed. Due to this potential and the fluid nature of some investigations, personnel may mute the audio portion of the BWC recording during any portion of a contact where case sensitive information is being discussed. If confidential information is not being discussed, the audio portion of the recording is to remain on. The video portion of the BWC will remain operational during the contact.

All confidential information not recorded by the BWC, which is pertinent to the investigation, will be documented in a confidential supplemental report (per C.A. Evidence codes 1040-1042). The confidential supplemental report will then be walked into the District Attorney's office by the case agent or their designee.

In the event confidential information is recorded, the recording deputy will notify their supervisor. Either the supervisor or assigned detective will then contact the Video Analysis Unit (VAU) prior to downloading the video. The VAU will store the video in a partitioned storage area which has limited access. Once the notification to the VAU has been made, the video from the BWC may then be downloaded. The BWC video WILL be documented in the associated confidential supplemental report. Copies of the video will be provided to the District Attorney's office upon request. Any copies of the BWC video requested by the District Attorney's office will be placed onto a physical medium (CD, SD Card, Flash Drive, etc.) and walked into the assigned Deputy District Attorney. Electronic and/or third-party delivery of sensitive information is strictly prohibited.

- CONFIDENTIAL INFORMANT CONSIDERATIONS

If a subject offers to provide information to a deputy or detective during any contact, the deputy or detective will immediately cease all BWC recording prior to questioning the

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subject further. The BWC is not to be utilized during a debrief of a subject. Any BWC video showing a subject's willingness to cooperate with law enforcement, which if released could result in retaliation against the subject is to be considered confidential in nature and will be processed as such.

The intentional recording of confidential informants and undercover deputies is prohibited, unless authorized by a supervisor.

- **CONFIDENTIAL INFORMATION CHECKLIST:**
  - Notify the supervisor of the BWC recording and 1040 information.
  - Notify the VAU of the recording prior to downloading.
  - Document the contact and existence of the recording in the associated 1040 confidential supplemental report.
  - Walk in any confidential supplemental documentation to the assigned DDA.
  - Provide BWC recording upon request
- **REPORTING**

In all cases where BWC video is muted, it shall be documented in writing. How it is documented will be situationally dependent. The reason for muting the camera(s) will be briefly noted in the body of a report (arrest, crime misc. incident). In the case of confidential information, a separate supplemental report shall be written as detailed above. Additionally, a brief explanation noting the muting of the camera(s) will be documented via CAD by each deputy that muted their camera. If no report for an event is otherwise needed, CAD documentation shall suffice.

### **ACCESSING DIGITAL EVIDENCE**

BWC video evidence may only be accessed by those with a specific need to access it in order to accomplish a task related to their current assignment.

### **RETENTION OF DIGITAL EVIDENCE**

All recordings related to any specific event or incident shall be preserved for a minimum of three years from the date the recording was created. Recordings older than three years will be subject to deletion based on the following criteria:

Recordings identified as being evidence in a criminal case shall be preserved or deleted in accordance with the law as specified in section 5.4 of the Property Evidence manual.

Recordings related to any claim filed, pending litigation, or an administrative investigation/personnel complaint, shall be tagged by the investigator "RETAIN EVIDENCE UNTIL DELETED BY USER" and shall be preserved until that matter is resolved and the retention tag is removed by the investigator.

Recordings made in error or for non-law enforcement related purposes such as testing or training may be deleted upon review by the Video Analysis Unit Supervisor.

### **REVIEWING IMPOUNDED DIGITAL EVIDENCE**

Employees may review their own BWC recordings as a resource to aid them in preparing written reports. With the exception of a public safety statement, employees involved in a

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critical incident shall be allowed to review their own recordings of the incident prior to giving a statement.

A deputy/CSO may not review the BWC video of other involved deputies prior to writing a report or giving a statement unless necessary for evidentiary purposes and with the express permission of a supervisor.

Detectives are responsible for reviewing, tracking digital evidence associated with their assigned cases, and forwarding digital evidence to the District Attorney or City Attorney when appropriate.

Should circumstances require the immediate retrieval of a digital recording (e.g., department shootings, and department involved accidents with serious injury), a supervisor shall ensure that the BWC system is secured and maintain chain of custody.

Digital evidence may be viewed/shared when necessary to accomplish a task related to an employee's current assignment such as preparation at trial, hearings, depositions, or criminal investigations.

In situations where a deputy is unable to provide information due to injury, their camera system may be viewed by any on scene deputy for the purpose of gaining critical investigative information.

In situations where there is a need to review digital evidence not covered by this procedure, a Sheriff's Lieutenant or higher must document and approve the request. Each situation will be evaluated on a case by case basis.

### **EDITING AND DELETING DIGITAL EVIDENCE**

Deputies/ CSO's shall not edit or delete digital evidence. If an edited copy of the digital evidence is required, a copy of the original file shall be made, and only the copy shall be edited.

### **DISCOVERY OF MISCONDUCT**

Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If misconduct is discovered during any review of digital evidence, the conduct in question shall be brought to a supervisor. Nothing in this procedure prohibits addressing policy violations. To enhance oversight and assess the level of policy compliance, supervisors will regularly spot check staff BWC videos. **COPYING AND RELEASING DIGITAL EVIDENCE**

Digital evidence captured by BWC shall be treated as official investigative records and handled pursuant to existing Department policies and procedures.

### **USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES**

The use of BWC video for training purposes shall be pursuant to the written authority of the Human Resources Assistant Sheriff or their designee. Deputies/CSO's shall be provided with at least thirty days' notice before BWC video made by them or capturing their image or voice is authorized to be used for training. After notice is given, the Training Lieutenant shall obtain approval from the Chain of Command and Sheriff's Legal prior to department-wide distribution.

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### Annual Reviews

The Division of Inspectional Services (DIS) will conduct an annual BWC review and will provide a written report to the Office of the Sheriff. A biannual review shall be completed by VAU on camera operations and all data captured, stored, or otherwise produced by the use of the system to include, but not limited to;

- Camera functionality
- Camera performance and placement
- Camera attributes (PTZ)
- Operator functionality
- Quality control
- Exterior condition
- Monitor performance and video sustainability
- Protection of the right to privacy

All user access level changes require the approval of the highest-ranking member assigned to the station or division. On a biannual basis that member shall complete a review of the user access roles for the personnel assigned under their command and notify VAU of any necessary changes. Upon verifying the correct user access level, the signed report will be forwarded to VAU for retention.

### DATA INTEGRITY

It is incumbent upon deputies, CSO's, and supervisors to maintain the integrity of the BWC videos which are produced. The Field Operations Manual identifies those functions specific to entering metadata and labeling videos appropriately. Deputies, CSO's, and supervisors shall be responsible for ensuring BWC's are assigned to the correct user and that all metadata is entered correctly. To that end, each video that is produced shall be checked for accuracy by the producing deputy. Any discrepancies or missing data shall be corrected as soon as possible. Deputies, CSO's and supervisors are responsible for reviewing the PowerBI Tag Error report and correcting any discrepancies identified in the report no later than the end of each pay period. Any errors identified on the report created by employees who have separated from the department, are the responsibility of the last assigned station/unit to correct.

(05-16-23)

<b>6.132 USE OF "SAN DIEGO COUNTY SHERIFF'S DEPARTMENT", BADGE OR INSIGNIA</b>
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No individual, team, unit or division of this department shall produce or procure any merchandise containing the Departments badge or insignia or indicates a connection to the Sheriff's Department without first obtaining prior approval from the Undersheriff and Sheriff. Merchandise may consist of challenge coins, T-shirts, mugs or other products that bears a badge, insignia or logo connecting it to the department.

To obtain the initial authorization for merchandise, the individual, team, unit or division requesting permission to use the department's badge, insignia or a logo representing the department will forward a preliminary request and memorandum to the Bureau Commander and Assistant Sheriff via the chain of command. The request and memorandum shall contain preliminary details and

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design for the merchandise. If the design is approved by the Assistant Sheriff, the individual, team, unit or division can complete the final design. The final design will be sent to the Bureau Commander and Assistant Sheriff for presentation to the Undersheriff and Sheriff for final approval. After obtaining approval of the final design, the individual, team, unit, or division can begin the procurement process.

Use of county funds to develop, purchase or distribute merchandise is prohibited unless approved by the Sheriff or Sheriff Designee. All design, production and distribution costs will be the responsibility of the individuals or group.

If the request has been denied, the individual, team, unit or division will be notified of the denial in writing. When developing a design, positive content including text and images should be utilized and designers should stay away from content including text and images that could be discriminatory, offensive or portray a negative image of the department or law enforcement.  
(Created 12-8-16)

<b>6.133 SEALING RECORDS PURSUANT TO 851.8 PC</b>
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The San Diego Sheriff's Records and Identification Division shall be the main recipient and manager of requests for Petition to Seal and Destroy Adult Arrest Records in accordance with California Penal Code Section 851.8. Upon receipt of the petition, (State of California Form BCIA 8270) Sheriff's Records and Identification will forward it to the Captain of the identified jurisdiction of arrest for review.

The review is meant to determine if the defendant is factually innocent. Factually innocent is defined as the determination that there is no *reasonable cause to believe that the named defendant committed the offense for which they were arrested*. Per the DOJ Record Sealing Handbook, if the reviewer of a Law Enforcement Agency (LEA) believes the arrestee committed the offense but the prosecuting attorney opted not to file due to prosecutorial discretion or a victim/witness chose not to prosecute; the LEA may deny the petition.

The Captain or their designee shall return the petition to Sheriff's Records and Identification Division within 10 calendar days with a finding of either Petition Granted or Petition Denied.

Petitions to Seal and Destroy may be filed up to two years after the date of arrest for those arrests which occurred after January 1, 1981. However, this restriction may be waived upon showing of good cause by the petitioner.

The Captain or their designee is not required to confer with the prosecuting agency before making a determination and does not have to provide them with a copy of the petition. Sheriff's

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Records and Identification staff will forward any granted petitions by a LEA employee to the prosecuting agency for review. The prosecuting agency makes a separate decision to grant or deny the determination of factual innocence and the request to seal and destroy related records.

If a petition is denied by the Law Enforcement Agency (LEA) or no response is received within 60 calendar days, the arrestee may petition the court of jurisdiction, where a copy of the petition will be served on the prosecuting attorney at least 10 days prior to a requested hearing for factual innocence. (See 851.8(c)).

Sheriff Records and Identification will notify DOJ if a petition has been granted by both LEA and the prosecuting agency. Sheriff's Records and Identification staff shall seal all related arrest records and the petition for relief for three years from the date of arrest and thereafter destroy all related records and petition. Sheriff's employees shall follow the protocol as set forth by the Department of Justice Record Sealing Handbook and Section 4.5 of the San Diego Sheriff's Records and Identification Division Policies and Procedure Manual. (Created 12-8-16)

### **6.134 Family Liaison Officer Program**

The goal of the Sheriff's Family Liaison Officer Program is to assign a specially trained Family Liaison Officer (FLO) to effectively communicate with the family of a subject who has:

- Died in the custody of the Sheriff's Department
- Died, is likely to die, or has been significantly injured because of a deputy involved shooting
- Died, or is likely to die, because of a deputy use of force
- Been involved in any significant incident which would benefit from an FLO response with approval from the Major Crimes Division Captain

The families of these individuals are often left with unanswered questions during an exceptionally difficult and emotionally charged time. The FLO response criteria are focused on what is best for the family of the subject and are independent of compassionate releases.

The FLO will be a collateral duty assigned to identified lieutenants. First contact with the family will be coordinated by the Homicide Lieutenant utilizing an established list of department members identified for this role.

The family should be contacted in-person and as soon as practical if within San Diego County or in adjoining counties. Travel outside of this area requires approval for out of county travel via the chain of command.

## **San Diego County Sheriff's Department – Procedure**

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FLOs will work in coordination with the Homicide Unit, the Medical Examiner's Office, Sheriff's Chaplain Program, and other resources to provide support to the family of the decedent. The FLO will establish open lines of communication and serve as a single point of contact for the family. The FLO will answer questions while conforming to confidentiality laws and maintaining the integrity of the investigation.

FLOs will be further guided by procedures outlined in the Homicide Manual.

The Family Liaison should be guided by the following general principles:

- Be prepared for hostility and anger, don't take it personally
- Offer support, compassion, and assistance; treat the family like you would want to be treated under similar circumstances
- Understand that most families have no knowledge of law enforcement procedures or the investigative process
- Bridge the gap between the family and the Department by responding promptly and courteously to inquiries, calls, and emails
- Provide information when appropriate. When information cannot be released, provide an explanation, follow-up, or referrals to appropriate agencies. (04-21-22)

<b>6.135 Unmanned Aircraft Systems (UAS) Unit</b>
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### **Services Provided**

Special Enforcement Detail (SED): At the request of SED, the Unmanned Aircraft Systems Unit (UASU) supports SED on all high risk missions.

Homicide Detail: At the request of the Homicide Detail Sergeant or lead investigator, the UASU may respond to Homicide and Officer Involved Shooting crime scenes for aerial photography and videography.

Search and Rescue: At the request of the Search and Rescue Sergeant, the UASU will respond to assist with any search and rescue mission and provide UAS aerial support.

Demonstrations and Protests: At the request of the station command and with the approval of the Sheriff's Command, the UASU will respond and provide aerial support when there is substantiated potential for civil unrest and/or criminal activity.

SDSD will not use UAS to conduct random surveillance activities. Patrol Stations/Traffic Investigations: The shift supervisor may request the UASU. The UASU Sergeant will determine the need for UASU based on the circumstances.

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Detention Facilities: At the request of the facility commander, the UASU will respond to any detention facility where an inmate has escaped and provide UAS aerial support to search the area for the escapee.

The UASU may also be requested via the Communications Center Watch Commander or by contacting the on call UASU Sergeants. The UASU Sergeant will accept or reject missions based on departmental and Federal Aviation Administration (FAA) criteria.

The UASU is the primary unit within the Department authorized to utilize UAS in any operation related to department UAS missions. The use of privately owned UAS for department related activities is generally prohibited except in defense of human life, including the deputy's own; or, in defense of any person in immediate danger of death, or the threat of serious physical injury.

UASU provides UAS support to various units across the Sheriff's Department. Services provided include major crime scene aerial photography, public safety missions, and search and rescue missions. (01-06-20)

### 6.136 Video Federation and Integration

The Sheriff's Department recognizes the importance of the public's fundamental right to privacy, specifically as it relates to the use of video technology and its integration with law enforcement's duty to protect and provide safer communities. The use of any video federation and integration system is an important tool in combating crime and can serve as a force multiplier for law enforcement in densely populated areas, as well as vast rural communities. The use of a video integration system in any public area must balance the need to protect the safety of our communities, while ensuring that the public's right to privacy is safeguarded. All employees who utilize or access the video integration system shall complete training on use of the system and the need to safeguard the privacy rights of the public. Additionally, all employees are responsible for knowing and complying with this policy and procedure.

#### BACKGROUND

The Sheriff's Department currently utilizes a number of video platforms including, but not limited to, body worn cameras by sworn staff, aerial cameras in helicopters, unmanned aerial vehicles, pole cameras, and Pan-Tilt-Zoom (PTZ) cameras at most county buildings, patrol stations, courthouses and detention facilities. Additionally, there may be a need for law enforcement to integrate and federate cameras at schools, government buildings, businesses, residences and places of worship.

- The goal of the Sheriff's Department's is to utilize a video integration system to combat serious crime when and wherever it occurs.
- Video integration allows the Sheriff's Department to more effectively address crime, specifically violent crime, by allowing quick access to video after a crime has occurred.
- Video feeds from appropriately placed cameras will allow law enforcement to detect and deter crime, aid in safeguarding against potential threats to the public, manage emergency response and enhance investigations.

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## USE OF VIDEO FEDERATION AND INTEGRATION SYSTEMS

The Sheriff or his/her designee shall determine who shall have access to the video integration and federation system. The Video Analysis Unit (VAU) will keep a list of the employees with access to the system and shall verify they have completed the appropriate training on the functionality of the system as well as the related privacy rights of the public. The purpose in implementation and use of video federation and integration software is the following:

- Crime deterrence.
- To provide video in the aftermath of law enforcement responding to a critical incident or call for service or when deputies are on scene.
- To provide investigators with an additional resource when solving crimes.
- To exclude innocent members of the public erroneously or falsely accused of a criminal act.
- To collect unbiased evidence for the prosecution of criminal acts.

Any general audio/video recording by stationary cameras shall be in the public right of way, unless specifically authorized by a search warrant or court order. All camera use shall be in compliance with all applicable City, State and Federal Laws.

The video federation and integration system shall only be accessed for official law enforcement purposes which include the investigation of a crime, allegation of a crime, system maintenance or for supervised training purposes by authorized users if both parties have completed the mandatory training. Use of the video federation and integration system for personal or voyeuristic purposes is a violation of this policy and strictly prohibited. Stored information shall only be accessed by authorized Departmental employees.

Video monitoring will be conducted in a professional, ethical, and legal manner. Departmental employees will NOT monitor individuals based on characteristics such as race, gender, ethnicity, sexual orientation, disability, or any other protected class.

## PROCEDURES

All stationary, temporary, permanent or semi-permanent PTZ video camera system installations must articulate a specific need for the placement location and must be documented as such. Each placement site must be evaluated for safety and stability. The involved labor and expenses require careful consideration of the costs versus the benefits for each site. The final placement in each location will only be completed with the approval of the Captain of the affected command area.

- Publicly Owned Sites
  - Any cameras installed throughout the region will be done so by Sheriff's Department (or other agency) Data Services Engineers (or other agency representatives). They will be installed in cooperation with a public entity (city, county, etc.) in conjunction with a Memorandum of Agreement (MOA). The public entity will provide a placement location and power for the camera.
  - The placement location will be determined by SDSO personnel (likely crime prevention staff, deputies, crime analysts, sworn staff, etc.) after consultation/notification to the public.

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- All stationary PTZ video cameras will only be placed in and view areas open to the general public, enhancing their crime deterrent effect.
- All stationary PTZ video federation and integration cameras will be placed in locations that are selected based on the need for increased police presence and monitoring due to crime trends or likely suspect ingress/egress routes.
- Mobile or portable video equipment may be used in criminal investigations.
- Mobile or portable video equipment shall only be used during events where there is significant risk or threat to public or community safety, security, and property (i.e., large events such as; the San Diego Fair, Avocado Festival, Waterfront Park, outdoor concerts, etc.) and must be specified in a written operational plan signed by the authorizing chain of command.
- Privately Owned Cameras
  - Cameras owned by private citizens may be integrated into the video federation and integration system. Access to these privately-owned cameras will be completely voluntary by the public with no expectation by the Sheriff's Department for access. Additionally, access by any Sheriff's Department employee follows all of the guidelines designated in this policy.
  - Some of the private video platforms include Ring®, Arlo, etc. Access to these privately-owned camera systems will be routed through the respective company and accompanied with an MOA between the user and the Sheriff's Department.
- Commercially Owned Cameras
  - Commercially owned cameras may include video systems at various stores, churches, schools, shopping malls, or anywhere else where a compatible video federation and integration system is already in place. Access to these video federation and integration video systems will be voluntary and with the consent of the owner to provide federation and integration footage to the Department. An MOA will accompany any such agreements.

### **EXTERNAL CAMERA/VIDEO FEEDS**

The Sheriff's Department is authorized to enter into agreements with cooperating agencies and organizations in the private and public sector to access their external video feeds under the guidelines established by the Sheriff's Department.

Live external video feeds from cooperating agencies and organizations may be monitored and reviewed by assigned staff but not recorded by the Sheriff's Department in accordance with the guidelines set forth by the agency and the agreements in place with private entities.

The Sheriff's Department is not responsible for any maintenance or repair of any cameras, cables, monitors, recorders, etc., owned by a cooperating agency, individual, group or organization.

The Sheriff's Department is not responsible for the storage of video provided by other agencies or private entities.

### **OPERATIONS**

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Information obtained through the video monitoring system will be used exclusively for law enforcement, evidentiary or informational purposes.

Recorded information will be stored in a secure location with access granted only to authorized and trained employees as deemed necessary by the Sheriff or his/her designee.

The use of video PTZ cameras may be conducted for the following purposes:

- Crime deterrence.
- Investigation of suspected criminal activity.
- Protection and safety of the public, property and buildings.
- Terrorist threats or acts.
- Monitoring of pedestrian and vehicle traffic activity.
- Hazardous material response.
- Any other investigation as directed by the Sheriff or his/her designee.

To ensure the privacy and safety of citizens and law enforcement, camera control operators will NOT view areas within the sanctity of residences or areas not open to the public unless legally authorized by a search warrant or in an exigent circumstance involving immediate threat to life such as barricaded persons or hostage situations.

A biannual audit shall be completed by the VAU on camera operations and all data captured, stored, or otherwise produced by the use of the system to include, but not limited to;

- Camera functionality
- Camera performance and placement
- Camera attributes (PTZ)
- Operator functionality
- Quality control
- Exterior condition
- Monitor performance and video sustainability
- Protection of the right to privacy

### **TRAINING**

Sheriff's Department employees involved in video monitoring will be appropriately trained and supervised in the responsible legal and ethical use of the video federation and integration system.

No employees, other than those approved and trained in the use or maintenance of the video federation and integration system will operate the system at any time.

Documentation regarding training specific to the video federation and integration system and equipment will be maintained by the system administrator.

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### **RETENTION AND STORAGE OF RECORDED VIDEO**

Video will be maintained in accordance with the Department policies and procedures after being digitally recorded.

- Any video footage which is part of an on-going investigation and approved by the Sheriff or his/her designee will be retained for a period of 30 days unless needed as evidence in a court or administrative proceeding.
- Digital video footage, which has been retained for the use in an investigation where the charges have been issued by the District Attorney's office, will be stored in the secure server until a digital copy has been placed into evidence and a copy has been provided to the District Attorney.

Video recordings or other media will be stored and transported in a manner that preserves security and is in accordance with procedures outlined in County Records Retention Policy. Current and archived recordings or media shall be kept locked and secured.

Recorded images that do not document specific incidents shall be kept confidential and destroyed on a regular basis. Such images will be retained for no more than thirty (30) days. No recorded image shall be altered in any manner unless done so for enhancement or redaction purposes and will be documented as such.

### **RELEASE AND VIEWING OF VIDEO IMAGE EVIDENCE**

All evidence collected from the video federation and integration system is considered an investigative record for the Sheriff's Department and is for official use only.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for Sheriff's Department public records.

Requests for recorded images from other law enforcement agencies, (e.g., San Diego County District Attorney's Office), shall be released in accordance with a specific and legitimate law enforcement purpose.

### **ACCESSING VIDEO IMAGE EVIDENCE**

Video image evidence may only be accessed by those with a specific need to access it in order to accomplish a task related to their current assignment.

### **RETENTION OF VIDEO IMAGE EVIDENCE**

All video images related to any criminal proceeding, claim filed, pending litigation, or an administrative investigation/personnel complaint, shall be preserved until that matter is resolved and/or in accordance with the law or whichever period of time is greater.

### **REVIEWING IMPOUNDED EVIDENCE**



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Employees may review video images as a resource to aid them in preparing written reports. With the exception of a public safety statement, employees involved in a critical incident shall be allowed to review video images of the incident prior to giving a statement.

Detectives are responsible for reviewing, tracking video image evidence associated with their assigned cases, and forwarding the video image evidence to the District Attorney or City Attorney when appropriate.

Should circumstances require the immediate retrieval of a video image (e.g., department shootings, and department involved accidents with serious injury), a supervisor shall ensure that the video image device is secured and maintain chain of custody.

Video image evidence may be viewed/shared when necessary to accomplish a task related to an employee's current assignment such as preparation at trial, hearings, depositions, or criminal investigations.

In situations where a deputy is unable to provide information due to injury, the video image may be viewed by any on scene deputy for the purpose of gaining critical investigative information.

In situations where there is a need to review video image evidence not covered by this procedure, a Sheriff's Lieutenant or higher must document and approve the request. Each situation will be evaluated on a case by case basis.

### **INTEGRATION WITH OTHER TECHNOLOGY**

The Sheriff's Department may elect to incorporate the video federation and integration system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, and other video-based analytical systems may be considered based upon availability, nature of department strategy, and seriousness of the crime investigated.

The Sheriff's Department will continue to evaluate the availability and appropriateness of collaborating with other public and private sector entities that may share access to recorded video from their camera systems with the Sheriff's Department. When accessing third party or other government agency camera footage, the Department should evaluate whether the use of camera technology, such as PTZ systems and/or other analytical tools, requires additional safeguards that meets the Sheriff's Departments commitment to safeguarding privacy and implementing co-produced policing strategies with the public we serve.

In the event the Sheriff's Department representatives decide to enter into an agreement or Memorandum of Agreement (MOA) with a private entity or government agency allowing access to video from cameras operated by those parties under terms more restrictive than this procedure, department members will adhere to the more restrictive agreement. (07-06-20)

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### 6.137 Mobile Identification Device Use

This Department Procedure establishes guidelines for Department members using Mobile Identification Device (Mobile ID) Technology.

The purpose of Mobile ID is to enable users to perform “real-time” fingerprint acquisition in the field, which is then searched and compared against several fingerprint repository databases and provides a rapid response to the users in the field to assist in accurate subject identification.

A Mobile ID fingerprint device is defined as a portable fingerprint biometric capture station used when a subject's identification is in question or the subject has no identification available. Mobile ID is an investigative lead. The identification information provided by the use of the Mobile ID is considered to be supplemental information, and shall be used to compare, evaluate, and/or corroborate information obtained through other investigative methods. Mobile ID responses should not be used as the sole criteria for confirming one's identity.

#### RESPONSIBILITIES OF THE USER:

- A. The purpose of field identification is to:
  - 1) obtain identification of subjects and
  - 2) provide users the necessary information to further their investigation.

The use of the Mobile ID is intended to augment, and not replace, other methods of properly identifying persons whose identity is unknown.

- B. The Mobile ID shall be used for official Sheriff's Department business only. The Mobile ID shall only be used when appropriate, during the course of normal duties and only by authorized personnel with authorized access to the app.
- C. Users must have either consent, a court order, or a legal reason for detaining an individual and scanning their prints. A user must be able to articulate the appropriate use of the Mobile ID.
- D. Any information obtained through the Mobile ID shall be treated as confidential. Warrants discovered via Mobile ID will be immediately reported to Dispatch to verify the warrant is currently active.
- E. It is the responsibility of the individual users to determine if the device is not working properly and take the appropriate steps to rectify the situation through the appropriate channels defined in the user training or with Sheriff's Data Services Division.
- F. This device will be treated in similar fashion to portable radios when responding to bomb threats or when in areas with sensitive electronic equipment. See Sheriff's Policies and Procedures Section 6.9 Bomb Threat Investigations.

#### AUTHORIZED USE

- A. **USE WITH CONSENT:** Prior to an arrest or during a lawful detention, the Mobile ID may be used in situations where the subject to be fingerprinted knowingly and willingly gives voluntary consent to the use of the Mobile ID. The subject may limit or withdraw consent at any time. If consent is withdrawn, and use of the Mobile ID without consent is not permitted under the circumstances, use of the Mobile ID is not authorized, its use must stop immediately, and the user may not force or

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coerce the subject to submit to the use of the Mobile ID. It is recommended, but not required, that when the subject gives consent, their consent is electronically recorded.

- B. **USE WITHOUT CONSENT:** The Mobile ID may be used without the consent of the subject in the following circumstances:

- (1) If authorized in the execution of a valid search warrant;
- (2) If specifically required by statute; or court order;
- (3) If the subject is medically incapacitated or deceased and unable to give consent and no other method of identification is readily available;
- (4) Incident to or during an arrest;
- (5) During a lawful detention of a person who does not have proof of identification and the deputy has a legal right to require identification from the subject.

It is not the intent of this policy to advocate or authorize the use of unnecessary force to obtain fingerprint identification via the Mobile ID.

- C. **USE IN NONSTANDARD SITUATION:** Any nonstandard use of the Mobile ID shall require notification and authorization by the user's immediate supervisor. If the immediate supervisor is unavailable, the request will be forwarded to an acting supervisor or the second level supervisor. Examples of nonstandard use include but are not limited to:

1. A request from an outside law enforcement agency to fingerprint a subject detained or in custody. The requesting agency must comply with the procedures of this Sheriff's policy and any other applicable department policies and procedures.
2. Traffic fatality investigation in which there is no other reasonable means of identifying a victim. This identification is not meant to act as the sole criteria for identifying next of kin.

### UNAUTHORIZED USE

- A. The Mobile ID may not be used for random or general investigative information or for intelligence gathering.
- B. Any unauthorized use of the Mobile ID and/or use of the Mobile ID which is in excess of the user's authority, may result in disciplinary action and the user may be subject to arrest and prosecution.

### OPERATIONS

The Mobile ID and its responses may only be used and obtained by authorized users within and by the Sheriff's Department. Cal-ID Administration is responsible for the hardware and software support for the Mobile ID's.

The Mobile ID has the capability to capture fingerprints which will be searched against the following databases:

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- A. San Diego County Regional AFIS  
(AFIS = Automated Fingerprint Identification System)
- B. California DOJ AFIS  
(DOJ = Department of Justice)  
(AFIS = Automated Fingerprint Identification System)
- C. FBI RISC  
(FBI = Federal Bureau of Investigation)  
(RISC = Repository for Individuals of Special Concern)

Responses to the fingerprint inquiries are sent to the cellular phone (using the software application) which is synced to the Mobile ID device. The response will be either a "Hit" or "No Hit" response.

- " A "No Hit" response is defined as:
  - a) the fingerprints, when searched through the databases, did not result in a positive identification; or
  - b) the fingerprints of the subject searched are not in the databases.
- A "Hit" response is defined as the identification of a subject through an automated search of either the San Diego County Regional AFIS, California DOJ or FBI RISC databases.
  - A hit from San Diego County Regional AFIS database may return the most recent mugshot and basic demographic information.
  - A link to SDFusion may be displayed to access more detailed criminal history information on the subject. If the deputy's CLETS access is expired, the SDFusion link will not connect to the records.
  - A hit from DOJ will return a name, DOB, and CII #, if available. The DOJ fingerprint database search includes criminal and applicant fingerprint records. This hit will not provide the actual subject's records. A separate search must be conducted by the user, by accessing a separate system.
  - A hit from FBI RISC will return a name, FBI #, and limited NCIC (National Crime Information Center) information. The FBI RISC database search includes Wanted Persons, National Sexual Offender Registry Subjects, Known or appropriately Suspected Terrorists, and other Persons of Special Interest.

The Mobile ID application on the user's phone has the ability to capture photos to assist users in the identification of subjects. The captured photos are part of the Mobile ID search transactions; however, they are not searched against any databases and are used as references.

The Sheriff's Department retains a transaction history for each use of the system. Fingerprints and photos captured on the Mobile ID phone application, along with the responses received and identifying information, are not retained in the transaction history. Archived transaction history may be retrieved by request to designated Sheriff's Cal-ID Administration staff.

### PRIVACY AND DATA QUALITY:

Access to and use of any Mobile ID Technology data is for official law enforcement purposes only. Accessing and/or releasing data from the Mobile ID system for non-law enforcement purposes is prohibited. Mobile ID data access and use should comply with the P&P 7.4 Cellular Phone/Other Wireless Electronic Devices.

### LEGAL AUTHORIZATION

The use of Mobile ID systems and information is restricted to official and legitimate law enforcement purposes only. Use of this system is approved for authorized users and other

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authorized law enforcement agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution.

All users of this system are hereby notified that all activities of this system are monitored and recorded. For every query, users shall enter a reason for performing a Mobile ID search. The reason must be directly related to the person or incident being queried and can either be CAD, case, or event number. Generic terms, such as "investigation" or "inquiry" are unacceptable inquiry reasons.

Reasons for the inquiry is to ensure that we have provided sufficient information to justify the "need to know" criteria. Sharing any information obtained by use of this device must meet the "need to know, right to know" criteria and follow Sheriff's Policy and Procedure 6.24 Law Enforcement Data Base Use and Criminal Record Dissemination.

Department employees who have not attended the Mobile ID training and who do not have their own authorized access to the Mobile ID application shall not use any Mobile ID equipment, database, or identification information. Appropriately trained and authorized personnel are the sole users of the Mobile ID device as well as the recipients of the responses.

### **TRAINING**

Deputies who have successfully completed department-approved training in the use of mobile identification technology shall be authorized to operate mobile identification equipment and have access to the Cal-ID AFIS database.

Only authorized Sheriff's personnel who have successfully completed CLETS training may access and use any Mobile Identification Device (Mobile ID) Technology and data. The requirements concerning the security and confidentiality are set forth in the FBI CJIS Security Policy and the DOJ CLETS Policy, Practices and Procedures (PPP). The users must also be current with the California Department of Justice mandated CLETS biennial online recertification.

### **TRACKING**

Each station/unit/facility will account for each device and who it is assigned to for accountability and tracking. If an assigned user no longer has a need for the device for whatever reason, the station/unit/facility will reassign the device and relay that information to Cal-ID or Mobile ID Project Manager.

### **AUDITING AND ACCOUNTABILITY**

Title 11, section 707 (c) of the California Code of Regulations (CCR) requires each authorized agency to maintain, and make available for inspection, an audit trail for a period of three (3) years from the date of release of Criminal Offender Record Information (CORI) from an automated system. The audit trail must provide an agency with sufficient information to substantiate the "need to know." The audit journal shall be maintained for at least three (3) years. The Department will conduct random audits of the Mobile ID system on an annual basis. Supervisors shall be able to request an audit on their employee and their use of the device at any time. (03-24-21)

### 6.138 Publicly Released Incident Briefs

#### **PURPOSE**

The San Diego County Sheriff's Departments process for releasing video and other case related information during certain incidents is intended to bring transparency to the communities we serve. It is not intended to circumvent the process for handling requests authorized under Penal Code 832.7(b) or Government Code 6254. Instead, these items, released at the direction of the Sheriff or designee, are intended to provide some context and information to the viewer, of what occurred during an incident such as an officer-involved shooting or a use of force resulting in death. It is important to remember that the brief does not necessarily represent all sides of an event but is part of a complex and dynamic event that must be properly investigated and thoroughly analyzed before rendering judgment.

Incidents which may result in a Publicly Released Incident Brief may include:

- Use of lethal force by deputies
- Deputy-involved shootings. (Not including unintended discharges without injury, dispatching of animals or shooting of aggressive animals)
- Use of force by deputies that results in death, a high probability of death, or serious injury
- Any other incident as directed by the Sheriff, or designee

By nature, these types of incidents invite public scrutiny. In order to help the public evaluate the actions of Department members involved in such incidents, it is imperative to put the actions of staff into context to aid viewers in making informed conclusions. This process will facilitate lawful release to the public, video, audio, and other pertinent information related to an incident, in a timely and efficient manner.

While the Department may elect to produce a Publicly Released Incident Brief following an incident, we must balance the desire to be transparent with a host of compelling reasons to withhold some or all incident materials. As a result, the Department may delay or withhold releasing some or all incident-related information for any of the following reasons:

- Privacy interest of witnesses, victims, suspects, or deputies involved in the incident
- Rights of the accused to have a fair trial
- To protect the integrity of the investigation
- Prosecutorial concerns from the District Attorney's Office, City, or Federal Prosecutors
- Laws prohibiting release of information based on the crime type or age of those involved
- Other considerations which form a basis for a compelling reason not to provide a Publicly Released Incident Brief

#### **Delayed or Withheld Release:**

Should the Department delay or withhold some information related to a Publicly Released Incident Brief, the Department may make a written statement explaining the rationale and post it publicly.

#### **Notifications:**

Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities prior to the release of the video publicly:

- Deputies depicted in the video and/or significantly involved in the use of force
- Next of kin when subject is deceased or incapacitated
- When juveniles are involved, the parent(s) or legal guardian(s)

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- Impacted law enforcement command(s)
- City Manager or other designated contractual agency head for the affected command(s) Representatives from the District Attorney's Office, City Attorney's Office, and/or United States Attorney's Office as appropriate
- The Deputy Sheriff's Association
- Other individuals or entities connected to the incident as deemed appropriate by the Sheriff or a designee.

### **Media Relations Unit / Redaction:**

When an incident occurs, the Sheriff's Media Relations Unit is responsible for determining when a Publicly Released Incident Brief should be generated. They will coordinate, create, and distribute the video and post any accompanying materials to be released, or create and post the compelling reason(s) not to release the materials. The Sheriff or a designee will approve the content prior to the release.

Sheriff's Media Relations shall seek input from and collaborate with the incident's liaison from the Sheriff's Homicide Unit, who will in-turn work with the primary investigative agency handling the investigation, to ensure any investigatory or prosecutorial concerns are considered in its creation.

Redaction of materials (blurring specific video, bleeping, or silencing audio, etc.) will be conducted in accordance with current applicable laws. (07-11-22)

### **6.139 Public Alert Systems**

A Patrol supervisor who needs a public alert notification is responsible for making the appropriate notifications based upon the circumstances of each situation. The patrol supervisor will make the request via the Watch Commander at the Sheriff's Communications Center. If the California Highway Patrol (CHP) concurs that the requirements are met, it shall activate the appropriate alert with the appropriate geographical area requested by the investigating law enforcement agency. Under no circumstances will any of the below Public Safety Alerts be requested from the CHP without the affected area Captain's notification.

For questions about missing person reporting, please refer to Policy and Procedure Section 6.57- Missing Person Reporting.

### **AMBER Alert**

In 2002, Assembly Bill 415 (Government Code section 8594) was signed into law and mandated that AMBER Alert plans be implemented statewide and charged the CHP as the statewide coordinator for all AMBER Alerts.

**AMBER Alert Criteria** For an AMBER Alert to be activated, the following criteria must be met (Government Code section 8594):

1. Confirmation that an abduction has occurred, or a child was taken by anyone, including, but not limited to, a custodial parent or guardian.
2. The victim is 17 years of age or younger, or an individual with a proven mental or physical disability.
3. The victim is in imminent danger of serious bodily injury or death.
4. There is information available that, if disseminated to the public, could assist in the safe recovery of the victim.

### **BLUE Alert**

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The California Statewide Blue Alert Program was introduced through Senate Bill 839 and became law in 2011 by adding Section 8594.5 to the California Government Code. A Blue Alert is activated when a violent attack on a law enforcement officer has occurred and poses an imminent threat to law enforcement or the general public. Blue Alerts provide immediate information to the public to prevent further harm and aid in the swift apprehension of the suspect.

### **BLUE Alert Criteria**

For a Blue Alert to be activated, the following criteria must be met (Government Code section 8594.5):

1. A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense,
2. A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel,
3. A detailed description of the suspect's vehicle or license plate is available for broadcast,
4. Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

### **SILVER Alert**

The California Silver Alert Program was introduced through Senate Bill 1047 and became law in 2012 by adding section 8594.10 to the California Government Code. A Silver Alert is activated when an elderly, or developmentally or cognitively impaired person has gone missing and is determined to be at-risk. Silver Alerts provide immediate information to the public to aid in the swift recovery of at-risk persons meeting the criteria.

### **SILVER Alert Criteria**

For a Silver Alert to be activated, law enforcement must be satisfied the following criteria have been met (Government Code section 8594.10):

1. The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
2. The investigating law enforcement agency has utilized all available local resources.
3. The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
4. The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, the person is in the company of a potentially dangerous person, or other factors indicating that the person may be in peril.
5. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### **EBONY Alert**

The California Statewide Ebony Alert Program was introduced through Senate Bill 673 and became law in 2024 by adding Section 8594.14 to the California Government Code. An Ebony Alert is a resource available to law enforcement agencies investigating the suspicious or unexplainable disappearance of a black person.

### **EBONY Alert Criteria**

In order for an Ebony Alert to be activated, a law enforcement agency may consider that the following criteria have been met. (Government Code section 8594.14):

1. The missing person is between 12 to 25 years of age.
2. The missing person suffers from a mental or physical disability.
3. The person is missing under circumstances that indicate any of the following:
  - (A) The missing person's physical safety may be endangered.
  - (B) The missing person may be subject to trafficking.



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4. The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
5. The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or 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.
6. The investigating law enforcement agency has utilized available local resources.
7. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### **FEATHER Alert**

The California Statewide Feather Alert Program was introduced through Assembly Bill 1314 and became law in 2022 by adding Section 8594.13 to the California Government Code. A Feather Alert is a resource available to law enforcement agencies investigating the suspicious or unexplainable disappearance of an indigenous woman or indigenous person. The Feather Alert will provide immediate information to the public to aid in the swift recovery of missing indigenous persons.

### **FEATHER Alert Criteria**

For a Feather Alert to be activated, a law enforcement agency must determine that the following criteria have been met. (Government Code section 8594.13):

1. The missing person is an indigenous woman or indigenous person.
2. The investigating law enforcement agency has utilized available local and tribal resources.
3. The law enforcement agency determines that the person has gone missing under unexplainable or suspicious circumstances.
4. The law enforcement agency believes that the person is in danger.
5. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### **YELLOW Alert**

The California Statewide Yellow Alert Program was introduced through Assembly Bill 1732 and became law in 2022 by adding Section 8594.15 to the California Government Code. A Yellow Alert is activated when a person has been killed due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspect's vehicle.

### **YELLOW Alert Criteria**

For a Yellow Alert to be activated, law enforcement must be satisfied the following criteria have been met (Government Code section 8594.15):

1. A person has been killed due to a hit-and-run incident.
2. 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.
3. The investigating law enforcement agency has additional information concerning the suspect or the suspect's vehicle, including, but not limited to, any of the following:
  - (A) The complete license plate number of the suspect's vehicle.
  - (B) 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.
  - (C) 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.

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### **Endangered Missing Advisory**

An Endangered Missing Advisory (EMA) is an alert available to law enforcement agencies investigating the suspicious disappearance of at-risk missing children or other endangered persons. EMAs provide immediate information to the public to aid in the swift recovery of at-risk persons. EMAs fulfill the federal Ashanti Alert Act of 2018 (Pub. L. 115-401).

### **Endangered Missing Advisory Criteria**

For an Endangered Missing Advisory to be activated, the following criteria must be met:

1. The person is missing under unexplained or suspicious circumstances.
2. The person is believed to be in danger because of age, health, mental or physical disability, or the environment; is in the company of a potentially dangerous person; or any other factor that may put the person in serious peril.
3. There is information available that, if disseminated to the public, could assist in a safe recovery. (04-18-2024)

**7.1 800 MHZ RADIO  
SYSTEM USE**

**Normal Operations**

During normal operations, all personnel shall use only the radio talk groups assigned to their area or detail, unless directed by the Communications Center to use another talk group. Routine operations may dictate that field units take advantage of the system's ability to communicate with other departmental talk groups and allied agencies directly. Field units will use discretion in communicating outside of their talk group. Communications Center approval will not be necessary for short, cross "talk group" communications, as long as they are not protracted, and are necessary to the efficient operation of the Department.

**Major Incidents**

During major incident field operations, the assignment of radio talk groups will be determined by the Communications Center Watch Commander. The Communications Center Watch Commander has the ability to provide multiple tactical talk groups in the event of a major incident. Communications Dispatchers will then instruct mobile units which talk groups to use, and the units will operate only on the assigned talk groups, except in emergencies.

NOTE: In any incident that operates under the Law Enforcement Incident Command structure, the use of 10 and 11 codes will be discontinued and "plain language" will be utilized.

**Special Field Operations**

The system provides for a tactical talk group for each major area. These tactical talk groups are for abbreviated necessary communications between field, detective, detentions and other area Department units for day to day operations.

Use of tactical talk groups for special field operations, i.e., investigative surveillance, sobriety check points, search warrant executions, special events, etc., will be approved by the Communications Center supervisor prior to the onset of the operation. (10-30-98)

**7.2 TELEPHONE  
COMPANY SUBSCRIBER  
INFORMATION**

All requests for information from the telephone company for subscriber information shall be handled by the personnel who are conducting an investigation requiring the information.

In emergency situations, the Communications Division supervisor is authorized to request and receive telephone company information.

- No information shall be furnished by the telephone company except to those members of this Department authorized to receive such information. (10-01-08)

### 7.3 MEDIA PUBLIC RELATIONS

Communication of information to the public is a direct management responsibility. All members of the Department are encouraged to cooperate fully with the news media. Each division, station and facility commander is directly responsible for establishing and maintaining appropriate news media relations within their command. The Public Affairs Division shall be the primary news media liaison for issues of department-wide significance.

#### Individual Commands

Proactive and reactive interaction with the news media shall be the duty of every command. Station Captains, in particular should be high profile leaders in the communities they serve. Each member of management should seek opportunities to publicly promote the activities of their command.

Every lieutenant and sergeant should understand that liaison to the news media is an important part of their job. Supervisors and managers need to be prepared to communicate with the public, through the media, anytime an issue of interest arises within their service area. For the majority of incidents in the field, courtroom, detention facility or other facility, the public information function should be performed by staff of the involved command. The Public Affairs Division is to be notified by telephone and/or an e-mail when information is released to the media, in order to prepare for any resultant media follow-up inquiries.

If initial circumstances of an incident warrant on camera interviews, it is likely updates will also warrant additional on camera interviews. Should such availability prove difficult or challenging to the involved command, consideration should be given to utilizing Public Affairs staff for such follow-up interviews.

#### **Major Crimes Division**

When any unit of the Major Crimes Division is on scene and investigating an incident that meets their case responsibility, they will be responsible for the handling of press releases. This could include criminal cases, non-criminal death cases, and officer involved shootings. In-custody deaths will be reported at the discretion of the Major Crimes Division after the findings of the Medical Examiner's Office. A news release will be prepared by a representative of the affected Major Crimes Division, unless the Sheriff designates otherwise. The Major Crimes Division will be primary point of contact for this information and can work in conjunction with the Public Affairs Office.

#### **Public Affairs Division**

The Public Affairs Division may be utilized for a variety of functions including, but not limited to the following:

- To serve as a point of contact for department members and for the media regarding law enforcement and community relations issues.
- To release significant information to the media ensuring continuity and proper dissemination in the form of news releases, personal interviews, or news conferences as appropriate.

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- To support other department personnel with specialized training and/or assistance when requested. This includes help with preparations for an on-camera interview or writing news releases.
- To respond, upon request, to crime, disaster or incident scenes as a means of facilitating and/or coordinating the timely flow of information to the media.

A Public Affairs Division representative may be reached on a 24-hour basis via the Communications Center. They should be consulted when questions arise regarding the need to prepare a news release or to review the content of a proposed release.

Public Affairs shall be advised of media requests for feature stories, "in-depth" articles, or series which require significant department time and effort, or carry department-wide impact. After a determination has been made as to the appropriateness of the request and if the request is granted, Public Affairs will help coordinate and provide assistance as needed.

### **Major Crimes, Disaster Areas or Other Newsworthy Events**

The Sheriff's Communications Center Watch Commander or designee shall coordinate the release of information to the news media regarding major incidents, major crimes or other newsworthy events for inclusion and dissemination in the morning report and website. The Watch Commander may call upon the Public Affairs Division for assistance, as needed.

The incident commander or ranking Department member or designee shall respond to media inquiries and assure a news release is prepared and forwarded to the Communications Center watch Commander. If Public Affairs assistance is requested, they will assume these duties upon arrival at the scene.

Whenever practical, the Department member who is most knowledgeable about a crime, an investigation, or other newsworthy event, should be designated to respond to media inquiries.

It shall be the responsibility of the person in charge of a crime scene or investigation to ensure timely and factual information is provided to the Communications Center Watch Commander.

Detective Unit supervisors are responsible for the dissemination of follow-up investigation information. Except as otherwise provided in this policy, no other member of the Department shall release any information pertaining to cases which are under investigation. Previously disseminated news releases by the Department may be reiterated by any department member.

Station, facility and division commanders/managers are responsible for the release of information within their command. They shall be responsible for responding to media inquiries about matters of public interest in their operational areas. This responsibility may be delegated to a subordinate; however commanders/managers remain accountable for the function.

Disaster and accident scenes may be closed to the public. News media representatives are exempt from this restriction. (P.C. 409.5.(d)) After being advised of any existing danger, authorized members of the news media are to be permitted free movement in the area as long as they do not hamper, deter, or interfere with law enforcement or public safety functions. Department members shall not decline the rescue of news media personnel who are in danger but they will not provide an escort into or out of dangerous areas.

Crime scenes may be closed to all unauthorized persons including the news media. Crime scenes located in areas of public access may be opened for media inspection at the direction of

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the on-site supervisor. News media representatives have no greater right of access to private property than the general public and therefore are subject to any access restrictions made by the owner or person in charge of the property. Reporters and/or photographers shall be kept sufficiently distant from a crime scene to protect it from being disturbed while affording reasonable access.

The scene of a Sheriff's Department tactical operation is the same as a crime scene subject to reasonable restrictions set forth by the incident commander. The news media shall be allowed access to the best possible safe location as determined by the incident commander. A Public Affairs officer or other designated Department member shall keep the news media briefed.

### **Information That Shall Be Released**

The Public Records Act and Government Code Section 6254(f) require that specific information be released to the public. The categories of information that must be released are:

#### **Activity Logs**

- Date, time, nature, and location of all incidents or requests for service.
- What action taken, if any.
- Reporting party's or victim's name, age, and current address, except victims of specific abuse and sex crimes.

#### **Arrestee Information**

- Full name, current address, and occupation.
- Date of birth and physical description: sex, height, weight, color of eyes, and hair.
- Date and time of arrest.
- Location of arrest.
- Factual circumstances surrounding arrest.
- Date and time of booking.
- Amount of bail.
- All charges, including warrants and parole or probation holds.
- Location where arrestee is being held.
- Time and manner of release.
- The names of individuals arrested and released pursuant to 849 P.C. shall not routinely be released unless an inquiry and specific request is made.

#### **Suspect Information**

(Releasable information prior to arrest or charge.)

Information shall not be released to the news media of the identity of any suspect, unless this is necessary to aid and assist in the investigation and in the apprehension, or to warn the public of any dangerous wanted person who is still at large.

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- Identity of the suspect.
- Facts relating to the crime.

### **Crime/Incident Reports**

- Names and addresses of victims, arrestees, and witnesses, except confidential informants and victims of specific abuse and sex crimes.
- Description of any property involved.
- Date, time, and location of incident.
- All diagrams.
- Statements of parties involved, except confidential informants.
- Factual circumstances surrounding the crime or incident.
- General description of any injuries, property, or weapons involved.
- Any information necessary to obtain public assistance in the apprehension of a criminal suspect.
- Any information warning the public of danger or of the nature and frequency of crime in the community.
- Any information which might result in public assistance in any investigation.
- Any description of the general scope of an investigation.

### **Information Regarding an Ongoing Investigation**

Generally, information is withheld when release would:

- Jeopardize successful case investigation.
- Endanger a victim, witness or informant.
- When release is legally prohibited, except that all information, properly and legally withheld, should be disclosed when the need for withholding it no longer exists.

### **Traffic Collision Information**

Traffic collision reports are confidential except to those parties with a proper interest (drivers, owner of vehicle, insurance company, etc.)

No person other than a party of proper interest may look at or receive a copy of a collision report.

The following information may, however, be released upon request to the public or media:

- Date and time of a collision.

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- Location of a collision.
- Number and makes of vehicles involved.
- Number of occupants and extent of injuries, if any.
- A factual synopsis of the incident. If an arrest is involved, the provisions listed above shall apply. The names of juveniles arrested as a result of traffic matters may not be released.

### Information Which May Not Be Released

In order to balance the individual's right to privacy with the public's need for information, certain "exemptions" to the release of information are specified in Government Code Section 6254 or interpreted by court decision. These exemptions include:

#### Names, Addresses, and Identifying Information of:

- Juvenile arrestees, detainees or suspects (under 18 years of age, except for governmental purposes).
- Victims of any crime defined by Penal Code Section 261, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, or 289.
- Confidential Informants.
- Individuals taken into custody under Welfare and Institutions Code Section 5150 (Dangerous or gravely disabled persons).
- Criminal offender information.

Individuals listed as suspects, but not yet charged nor arrested or "mugshots" of criminal suspects, except to aid in their capture or to warn the public of any dangerous wanted person who is still at large.

- Copies of "rapsheets" or any information obtained from "rapsheets".
- Information that may endanger the safety of any person, including law enforcement personnel.
- Information that may jeopardize an investigation, related investigation, or law enforcement proceedings.
- Any portion of a report which reflects the analysis, recommendation, or conclusion of the investigating officer.
- Confidential information provided only by a confidential source.
- Information that may disclose investigative techniques and/or procedures.
- Information that may deprive a person of a fair trial.
- Statements or opinions of a suspect's character, criminal record or reputation, except to aid in apprehension of the suspect.

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- The existence or content of any admission or confession.
- Any refusal by a suspect to make a statement.
- The performance or result of any examination or test.
- The testimony or credibility of any prospective witness.
- Any statement on the possibility of a guilty plea or other charges being filed.
- Any information known to be inadmissible as evidence in a trial.
- Preliminary drafts, notes or memoranda which are not retained in the ordinary course of business.
- Records pertaining to pending litigation to which the public agency is a party until litigation is adjudicated or otherwise settled.
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy.
- The names of deceased persons shall not be released to the news media until the next of kin of the decedent is notified.

### **Restricted Release of Certain Information**

Statements of Department policy, official positions of the department, official responses to criticism of the Department, comments critical in content of another department, agency, institution or public official, or statements pertaining to pending or ongoing litigation involving the Department shall be made only by the Sheriff, Undersheriff or specific persons designated by the Sheriff.

Command personnel may release verbatim excerpts from the policy and procedure manual of the Department, or verbatim excerpts from written policies of their particular command, and may quote statutory law which affects the Department.

Command personnel may respond to criticism of their particular command or of the activities of members of their command, except when the criticism has resulted in an internal affairs investigation as a result of alleged misconduct.

The release of any information regarding an internal investigation of alleged misconduct by members of the Department or disciplinary action taken as a result of any such investigation shall be made only by the Sheriff's Internal Affairs Division or their designee.

The release of any information regarding the employment history or performance of department members, except verification of current assignment shall be made only by the Sheriff's Personnel Division or their designee. Guidelines for release of personnel information are contained in 832.7 P.C.

Requests for information regarding the status of individuals licensed to carry concealed weapons (CCW's) or information contained in applications for CCW licenses shall be directed to the manager of the License Division. Only that information deemed "public" shall be released. That determination shall be made on a case-by-case basis pursuant to Government Code sections

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6254(f) and 6254(u). In the absence of the License Division Manager, the request shall be directed to the acting manager of the License Division.

### **Release of Reports Relating to Juveniles**

Per the Juvenile Court of San Diego, for governmental purposes, law enforcement agencies in San Diego County may release any information in their files regarding juveniles to the following:

- The parents or guardians of said minor.
- Foster parents.
- The minor's attorney.
- All California District Attorney's offices.
- California Bureau of Investigation and Information (CII).
- All California law enforcement agencies (including all of the many types of peace officers designated in Penal Code Sections 830, 830.1, 830.2, 830.4 and 830.9).
- All California school systems.
- All California Probation Departments.
- All California Public Welfare Agencies.
- California Youth Authority and its parole agents.
- Department of Corrections and its parole agents.
- Authorized court personnel.
- Any California Court pursuant to subpoena from such court.
- Hospitals, schools, camps, job corps, ranches, or placement agencies which require the information for the placement, treatment or rehabilitation of the juvenile.
- The persons entitled thereto under Vehicle Code Sections 20008 - 20012.
- Any coroner and/or Medical Examiner Investigator.
- San Diego County Community Health and/or its subsidiary.
- San Diego County Department of Public Health.
- Community referral agencies, whether in or out of California, provided the forwarding law enforcement agency has first obtained the written consent of the parent or other person having legal custody of the minor.

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- San Diego County Department of Revenue and Recovery.

All information received by an authorized recipient listed above must not be further released by said recipient, except to other listed authorized recipients.

This does not prohibit the release of information about crimes or arrest reports as long as the juvenile's identity is not disclosed, nor does it apply prior to the juvenile being taken into custody.

### **Access to Department Reports by News Media**

To fulfill the requirements of statutory law and to keep the public informed on law enforcement-related issues, basic information will be released to the media, upon request, in as timely a manner as possible as set forth in this policy.

The following documents shall generally be made available for public examination:

- Activity Logs
- Arrest Reports
- Crime/Incident Reports

Station commanders shall routinely make available for review copies of Activity Logs, Crime/Incident Reports and Arrest Reports excluding the information that is exempt from release. Station commanders or their designee, shall be available to the media, during normal business hours, for discussion and verbal amplification of reports if requested.

Court decisions have held that the selective release and selective exemption of information is prohibited. Once information is released to one party it becomes a public record and cannot be withheld from another member of the public (Black Panther Party vs. Kehoe [1974].)

Station and facility commanders are accountable for the decision to withhold any specific report or information to the media or general public. No member of the Department will give assurance to any person involved in an incident that the incident will not receive publicity.

Media representatives shall be permitted to obtain photocopies of Activity Logs, Arrest Reports and Crime/Incident Reports, except information not subject to disclosure. Copies of traffic collision reports may not be released to the media unless the representative qualifies as a party of proper interest under 20012 V.C.

- Photocopies shall be made available as set forth in P&P Section 6.26.
- Media representatives shall not be permitted to read or obtain photocopies of reports beyond the expressed provisions of this policy.

### **News Media Access to Persons in Custody**

The photographing of inmate(s) in custody within a detention facility operated by the Sheriff is prohibited absent the inmate(s) granting permission for such photography.

News media representatives have no greater right of access to detention facilities or inmates, than any other member of the public. News media representatives are not prohibited from contacting inmates using the social visit procedure. A visit by news media personnel shall be considered a social visit, not a professional visit. If the inmate opts to accept the visit by a media representative, that visit shall be counted as a social visit for that day, just like any other social

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visit. Absent the inmate's objection such "visits" may be tape recorded, or videotaped from the public access portion of the visit area.

Deputies who have custody of prisoners outside a detention facility shall not permit news media interviews with the prisoners. Deputies shall not prevent news media personnel from photographing prisoners who are in a location open to public view. If circumstances exist that would benefit from the subject's image being obscured such a request should be made directly to the photographer(s).

### **Incidents Involving Multiple Agencies**

When an incident involves more than one public agency, the incident commander shall confer with the command staff of the involved agencies to determine which agency shall be responsible for release of information to the news media. Generally, the agency having primary jurisdiction shall be responsible. (06-20-19)

<b>7.4 CELLULAR PHONE/OTHER WIRELESS ELECTRONIC DEVICES</b>
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### **Applicability**

This mobile device procedure applies to, but is not limited to, Apple iOS devices, all cellular phones, smartphones, and other wireless electronic devices. This procedure applies to any hardware and related software that could be used to access resources from outside of our network, even if said equipment is not sanctioned, owned, or supplied by the Department (e.g. Personal computer or laptop used to log in remotely).

This procedure applies to everyone who utilizes Department-owned mobile device to access, store, back up, or relocate any organization or employee data. Such access to this confidential data is a privilege, not a right, and forms the basis of trust the Sheriff's Department has built with the public, employees, and other third parties.

Addition of new hardware, software, and/or related components to provide additional mobile device connectivity will be managed at the sole discretion of Data Services Department (DSD). Non-sanctioned use of mobile devices to back up, store, and otherwise access any enterprise-related data is strictly forbidden.

### **Responsibilities**

DSD has the overall responsibility for the confidentiality, integrity, and availability of data. Under the direction of the CIO, other IT staff are responsible for following the procedures and policies within Information Technology and Information Systems.

All mobile device users are responsible for acting in accordance with policies and procedures. Department-issued devices shall remain the property of Sheriff's Department and shall be returned (with accessories) upon the conclusion of the user's employment with the Department.

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### **Affected Technology**

Connectivity of all mobile devices will be centrally managed by DSD and will utilize authentication and strong encryption measures. Although DSD is not able to directly manage external devices – such as home PCs – which may require remote access to network, end users are expected to adhere to the same security protocols when connected to non-Department equipment. Failure to do so will result in immediate suspension of privileges so as to protect the infrastructure.

### **Appropriate Use**

It is the responsibility of the employee who uses a mobile device to access resources to ensure that all security protocols normally used in the management of data on conventional storage infrastructure are also applied here. It is imperative that any mobile device that is used to conduct Department's business be utilized appropriately, responsibly, and ethically. Failure to do so will result in immediate suspension of that user's account.

Per, Penal Code 647.9: It is a misdemeanor for a first responder, acting under color of authority, who responds to the scene of an accident or crime, to capture the photographic image of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to their employing agency, for any purpose other than an official law enforcement purpose or a genuine public interest.

First responder is defined as a state or local peace officer, paramedic, emergency medical technician, rescue service personnel, emergency manager, firefighter, coroner, or employee of a coroner.

### **Cellular Phone/Other Wireless Electronic Device Access Control**

DSD reserves the right to refuse the ability to connect mobile devices to Department-connected infrastructure. DSD will engage in such action if it feels such equipment is being used in such a way that puts the systems, data, users, and/or law enforcement information at risk.

All Department issued devices will be registered with DSD. DSD will maintain a list of approved mobile devices and related software applications and utilities.

All mobile devices attempting to connect to the Department's network through an unmanaged network (i.e. the Internet) may be inspected using technology centrally managed by DSD. Devices that have not been previously approved by DSD are not in compliance with DSD's security policies or represent any threat to the Department's network or data may not be allowed to connect. Laptop computers or personal PCs may only access the Department's network and data using approved methods.

### **Cellular Phone/Other Wireless Electronic Device Security**

Employees using mobile devices and related software for network and data access shall, without exception, observe secure data management practices. All mobile devices must be protected by a strong password. Employees agree to never disclose their passwords to anyone, particularly to family members if Department's work is conducted from home.

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DSD staff may make modifications and add software to any Department-issued mobile device including but not limited to: security software, whole device encryption, and remote erase capabilities.

DSD staff will set the mobile device to lock after 5 failed login attempts. After 10 failed attempts, activation of the lock feature will result in a complete erase of the information on the device. DSD staff will set the mobile device to logout after 15 minutes of inactivity.

No users will download any application or service to any Department-issued mobile device which allows the password feature to be bypassed.

Employees are prohibited from altering, modifying, factory resetting ("wiping") or disabling the system and security configuration of wireless devices. Data Services Division employees have authorization to factory reset wireless devices in the official performance of their duties.

All users of affected mobile devices must employ reasonable physical security measures. End users are expected to secure all such devices used for this activity whether or not they are actually in use and/or being carried. This includes, but is not limited to, passwords, encryption, and physical control of such devices whenever they contain enterprise data. Using non-Department's computers to synchronize these devices is prohibited.

Any mobile device that is being used to store department data must adhere to the authentication requirements of DSD.

DSD will manage security policies, network, application, and data access centrally using whatever technology solutions it deems suitable.

User will not modify the operating system of any Department-issued mobile device in any way that allows them to bypass limitations and protections Department imposes as a condition of connecting to its systems.

Users will surrender any department-issued mobile device to DSD in the event a security or privacy breach has or is suspected to have occurred in connection with the device. In the event of a lost or stolen mobile device it is incumbent on the user to report this to DSD immediately. The device will be remotely wiped of all data and locked to prevent access by anyone other than DSD. If the device is recovered, it can be submitted to DSD for re-provisioning. If the phone or wireless electronic device is lost or stolen, a crime report and a county "Report of Missing, Stolen or Damaged Supply Items" (Form A/S 5/22) must be filed immediately.

The Location Services feature must be left on/active at all times.

### **Cellular Phone/Other Wireless Electronic Device Help & Support**

DSD will support its sanctioned hardware and software but is not accountable for conflicts or problems caused by the use of unsanctioned media, hardware, or software. This applies even to devices already known to the DSD.

Employees, contractors, and temporary staff will make no modifications of any kind to department-owned and installed hardware or software without the express approval of DSD. This includes, but is not limited to, any reconfiguration of the mobile device.

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DSD reserves the right, through policy enforcement and any other means it deems necessary, to limit the ability of end users to transfer data to and from specific resources on the enterprise network.

Users will sync department-issued mobile device with updated device policies when requested by DSD.

### **Cellular Phone/ Other Wireless Electronic Device Assignments**

Apple iOS devices, cellular phones, smartphones, and other wireless electronic devices are assigned to employees based upon need and upon the approval through the chain of command, including the Commander.

To obtain an Apple iOS device, cellular phone, smartphone, or other wireless electronic devices, a written justification must be submitted prior to the purchase and/or activation of the device. In order to obtain internet access on other wireless electronic devices, a written justification must be submitted and approved prior to this feature being enabled. The written justification should include what the broadband access is to be used for.

Cellular phones, smartphones, and other wireless electronic devices are the responsibility of the department employee to which they are assigned. If a change is made regarding the assignment of a cellular phone, or other wireless electronic devices, the person to whom the device is assigned will notify the Cell Phone Coordinator in the Accounts Payable & Supply Unit as well as submit a help desk ticket to DSD.

Requests for upgrades of cellular phones or other wireless electronic devices that incur any cost to the department require approval through the chain of command, including the commander. This includes additional costs for accessories, chargers, cables, etc. All costs incurred from the request will come from the individual commands budget.

The department employee agrees to immediately report to DSD HelpDesk any incident or suspected incidents of unauthorized data access, data loss, and/or disclosure of company resources, databases, networks, etc.

DSD staff reserves the right to completely erase any department-issued mobile device if the device is lost or stolen, if the mobile device is returned to DSD, or if the user is no longer an employee. Any questions relating to this policy should be directed to the Data Services Division.

Failure to comply with this procedure may, at the full discretion of the department, result in the suspension of any or all technology use and connectivity privileges, and revocation of the privileges described in this policy and procedure section. The chain of command including the Commander will be advised of breaches of the policy and procedures and will be responsible for and authorized to take appropriate action.

Personal wireless devices will not be authorized nor supported for departmental use.

Employees should have no expectation of privacy in the use of department authorized devices.

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### **Use of Cellular/Smartphones and other Wireless Electronic Devices**

Cellular/smartphones and other wireless electronic devices are not to be used when land line phones or department computer are reasonably available.

Air time (amount of time on a call) and Data consumption must be kept to a minimum to avoid unnecessary charges.

Operator assisted services and "411" calls are more costly than direct dialing and should be avoided.

Personal use of Department issued mobile device is prohibited unless authorized by command. If a department employee is authorized to use a department issued mobile device for personal use, there is no expectation of privacy and is subject to discovery.

Text messaging is allowed for business purposes only

A Periodic monthly review of select mobile device bills may be conducted by the Station/Facility/Division captain or manager (may be a lieutenant in some instances).

### **Use of Cellular Phones While Operating a County Vehicle**

Effective July 1, 2008, the State of California implemented legislation that restricts drivers from using a hand-held wireless telephone while operating a motor vehicle (23123 V.C.). Effective January 1, 2009, the State of California implemented legislation that prohibits drivers from writing, sending or reading a text message while operating a motor vehicle (23123.5 V.C.).

Department employees are expected to follow the laws of the State of California. However, Sheriff's Department employees operating a County vehicle shall not use a handheld wireless telephone while operating a motor vehicle without an appropriate hands-free device, nor shall they write, send or read a text message. Although 23123 (d) V.C. exempts emergency services professionals, the position is not to allow cell phone use without a hands-free device. This does not apply to a person using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity in accordance with 23123 (c) V.C.

Individual commands can purchase "Hands free" or Bluetooth devices for their staff from their own budgets.

### **Cellular Phone/Other Wireless Electronic Device Problems**

Repair or Replacement of Equipment:

Should the cellular phone or other wireless electronic device be damaged, lost or stolen, the assigned employee must contact the (Department's) Accounts Payable & Supply Unit for repair authorization or replacement. If the phone, smartphone, or wireless electronic device is lost or stolen, a crime report and a county "Report of Missing, Damaged or Stolen Issued Equipment" (Form SO-5) must be filed immediately. The assignee must also notify the Data Services Division immediately so the device can be disabled and remotely wiped for security reasons. (04-28-21)



**7.5 COMMUNICATIONS  
NEEDS**

The Communications Coordinator, Communications Division Captain, and the Department Vehicle Coordinator represent the Sheriff's Department in the areas of technical planning for radio and other County owned communications and electronic equipment needs. These three individuals will provide the Director of the Department of General Services with appropriate guidelines for this phase of planning.

Technical advice for changes in existing systems as well as new concepts shall be provided by Sheriff's Wireless Division for radio and Sheriff's Data Services for electronic equipment.

Requests for special installations of such equipment as mobile radios, emergency vehicle lights or vehicle public address systems shall be channeled through the Department Vehicle Coordinator. This will include changes to existing equipment configurations as well as installation of new equipment.

The ordering of communications equipment will be coordinated by the Communications Coordinator in conjunction with the Captain of the Sheriff's Communications Division, and the Law Enforcement Support Bureau Analyst. (06-15-15)

**7.6 USE OF CLETS-NCIC-  
ARJIS AND LOCAL  
INFORMATION**

Data base requests requiring immediate response to or from Sheriff's field units or other authorized government agencies, will be processed by the Communications Division.

The Records & ID Division is responsible for all entries into the Stolen Vehicle System (stolen, recovered, impounded, repossessed, and lost or stolen plates), as well as entries into the Missing Persons System (MUPS), (including runaway juveniles) and any message related to those two systems. BOL's or 999's sent by the Records & ID Division are restricted to Missing Persons and Runaway Juveniles, when appropriate.

Sheriff's personnel from offices having computerized information capabilities will process their own administrative messages and non-urgent data base inquiries. (Not including vehicles or missing persons.)

No employee of this Department (sworn or professional staff or volunteer) shall use any computerized informational source for anything other than the performance of official duties. This applies but is not limited to, all computerized Departmental Systems, CLETS/NCIC (SDLaw/eSUN), ARJIS, CAD, Local Systems, JIMS, and NetRMS.

Employees shall not use any information contained within these databases for immigration enforcement purposes, except as authorized by the California Values Act as follows:

- When investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, 8 U.S.C. 1326(a) that may be subject to the enhancement specified in 8 U.S.C. 1326(b), and that is detected during an unrelated law enforcement activity.
- When responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or

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similar criminal history information accessed through CLETS, where otherwise permitted by state law and Sheriff's Department policies.

Telephone Inquiries: As a security precaution, the Sheriff's Department identification code must be given when making telephone inquiries for computerized information. THIS CODE IS CONFIDENTIAL AND WILL BE MADE KNOWN TO AUTHORIZED PERSONNEL.

Employees shall use a unique user I.D. and password (as assigned) on all computerized systems within the Department which require a sign-on and password verification system. (04-16-20)

### 7.7 CLETS/NCIC STOLEN VEHICLE INFORMATION

#### Policy Statement Only

### 7.8 PROCEDURE FOR RELEASE OF PEACE OFFICER PERSONNEL RECORDS

Generally, peace officer personnel records are confidential and shall not be disclosed. However, Penal Code § 832.7(b) provides that the following records are not confidential and shall be made available for public inspection pursuant to a California Public Records Act request:

- A record relating to the report, investigation, or findings of any of the following:
  - An incident involving the discharge of a firearm at a person by a deputy.
  - An incident involving the use of force against a person by a deputy that resulted in death or in great bodily injury.
  - A sustained finding involving a complaint that alleges unreasonable or excessive force.
  - A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
  - A sustained finding that a deputy engaged in sexual assault involving a member of the public.
    - "Sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. The propositioning for or commission of any sexual act while on duty is considered a sexual assault.
    - "Member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.
  - A sustained finding involving dishonesty by a deputy directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including, but not limited to, any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

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- A sustained finding that a deputy engaged in conduct 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, including, but not limited to, verbal statements, writings, online posts, recordings, and gestures.
- A sustained finding that a deputy made an unlawful arrest or conducted an unlawful search.

Records that shall be released pursuant to Penal Code § 832.7(b) also include records relating to an incident involving any of the above conduct in which the deputy resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident.

A unit that is in possession of Penal Code § 832.7(b) records that are required to be disclosed, will identify the records and forward them for redaction. Prior to any records release, the records shall be redacted to remove the following information:

- To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of deputies.
- To preserve the anonymity of whistleblowers, complainants, victims, and witnesses.
- To protect confidential medical, financial, or other information of which disclosure is specifically 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 by deputies.
  - 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.

Once completed, the redacted records will be uploaded onto the Sheriff's public website.  
(12-31-21)

### **7.9 ACCEPTING COLLECT PHONE CALLS**

#### **Policy Statement Only**

### **7.11 CRITICAL INCIDENT HOTLINE**

The critical incident phone line will ring at the Watch Commander's and supervisor's locations within the Communications Center. The line may only be used for incoming calls from the Incident Commander of a critical incident. No outgoing calls can be made on this line. A critical incident is any incident during which a command post is established and/or an Incident Commander is designated.

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When a command post is established and/or an Incident Commander is designated, the designated individual will provide the Communications Center supervisor/Watch Commander with a telephone number where he/she can be contacted.

When the Incident Commander desires to contact the Communications Center via phone line, he/she will use the Critical Incident Hotline. The phone number for the Critical Incident Hotline is (858) 565-3119.

The Critical Incident Hotline will not be used for any other communications purpose by Communications Center personnel, nor will any Departmental personnel attempt to use the Critical Incident Hotline other than as outlined above. (07-17-02)

### **7.12 MOBILE DATA COMPUTERS**

#### **Policy Statement Only**

### **7.13 SHERIFF'S USE AND SUPPORT OF INFORMATION TECHNOLOGY**

The Data Services Division (DSD) manages the Sheriff's Department's information technology environment. To maintain the integrity and security of the Sheriff's information technology environment, employees are prohibited from installing any software/hardware onto their department computers and/or from installing any additional networks and/or systems in any Sheriff's owned or operated facility without prior approval of the DSD Security and Architectural Team and concurrence of the Information Technology Policies and Priorities Committee (ITPPC). Installation of hardware/software shall be performed by DSD. The use of any personal and/or non-Sheriff issued and maintained equipment connected to any Sheriff's network and/or resource managed by Sheriff personnel is strictly prohibited.

Department computer services including e-mail and Internet access are provided and intended for official department business. Employees have no expectation of privacy to data created, stored, retrieved or transferred using any Sheriff's owned or operated system. E-mail and the electronic distribution of documents are subject to the same laws, policies, and practices that apply to other methods of communication. Care should be taken to avoid inadvertently creating and storing correspondence and/or documents that could ultimately be considered punitive actions or fall under the provisions of the Public Safety Officer Bill of Rights.

User IDs and passwords assist in maintaining security and accountability for systems usage. Passwords shall be kept confidential and the sharing of user or system admin IDs or passwords is prohibited.

The use of any device and/or software to gain unauthorized access to systems and/or files is strictly prohibited. Only the Data Services Division is authorized to perform such tasks as a part of an Internal Affairs or personnel investigation.

Any user of the Sheriff's internal private network and systems (sdsheriff.org) must submit to and pass a Sheriff's background or equivalent (i.e. other law enforcement) check prior to being issued a User id. It is the responsibility of the sponsor to ensure that all non-Sheriff staff members are

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aware of and adhere to all the automation related Policies and Procedures. Requests for new User accounts are submitted to the DSD helpdesk by the requestor's supervisor or sponsor.

It is the responsibility of employees to log-off or lock their computer when left unattended. No employee shall use another employee's unattended computer account. Employees are prohibited from attempting to gain access to any system or file in the department computing environment to which they are not authorized to access. Requests for authorization to any file share or system must be submitted to the DSD Helpdesk by the staff member's station/facility captain/manager or above.

Any computer or network related assistance can be obtained by initiating a request via the DSD Help Desk. The employee will need to supply their full name, ARJIS ID, user id, and computer ID number.

### **E-mail Usage**

E-mail is a recognized form of business communication and shall be accessed and answered in a timely manner. E-mail messages, which are sent or forwarded, shall not be deliberately altered in order to deceive the receiver as to the original content. All e-mail messages are the property of the San Diego Sheriff's Department and there is no expectation of privacy. The auto-forwarding of e-mails outside of the San Diego Sheriff's E-mail system is prohibited.

E-mail shall not be used to send messages containing inappropriate language or images. This includes communications which are fraudulent, offensive, abusive, demeaning, sexually explicit, harassing, threatening in nature or which bring discredit to the department. All Sheriff's Rules of Conduct (P&P Section 2.1) apply to e-mail usage.

Global messages, such as "Everyone" or "Subscriber" messages are to be sent by authorized personnel only and shall be limited to official business. Authorization through DSD must be granted by the Undersheriff. The subscriber authorization list is audited monthly. Staff members who have not used their access in 30 days will be removed. Requests for audits of E-mail usage or access to another staff member's account as a part of a personnel or internal affairs investigation must be made in writing to the department's System Security Officer and/or DSD Infrastructure Manager. Requests for audits must originate from the station/facility captain/manager or above prior to making the request.

E-mail is a common source for computer virus attacks. Employees should not open e-mail attachments from suspicious or unknown sources.

### **Internet Usage**

Internet access is intended for official business only and can be rescinded at any time. Accessing Internet sites that are sexual or pornographic in nature, harassing, derogatory, discriminatory, or offensive or pose a threat to the general health of the San Diego Sheriff's automation environment is prohibited. The department reserves the right to block any category of sites or individual sites as it deems necessary to ensure the operation and health of the department's systems and networks. The department will provide internal unsecured wireless guest access to the internet for all visitors and vendors. Sheriff's PCs and/or laptops are not authorized to connect or access the internet using the internal unsecured wireless guest service. Department employees are prohibited from procuring equipment via outside funding for the purpose of accessing the internal unsecured wireless guest service.

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All Sheriff's Rules of Conduct (P&P Section 2.1) apply to Internet usage. Criminal investigations utilizing department computers to access generally prohibited areas are exempt. Exemption requests must be made in writing by the station/facility captain/manager or above to the DSD helpdesk, including the nature of request, list of requested exemptions, staff members name, ARJIS ID, and duration of exemption. Requests for audits of internet usage as a part of a personnel or internal affairs investigation must be made in writing to the departments' System Security Officer and/or DSD Infrastructure Manager. Requests for audits must originate from the station/facility captain/manager or above prior to making the request.

### **Software & Applications**

In order to manage system & network security effectively, employees are prohibited from installing any software or applications not approved by the Data Services Division (DSD). Requests and justification for new applications can be submitted to DSD through the employees chain of command.

### **Department Websites**

Information posted on the Sheriff's section of the San Diego County website must be approved by the department's Public Affairs Director. Management must ensure that confidential or sensitive information is not made accessible to the public. Any official Sheriff's information or materials posted to a public website must be approved by the employee's Division Commander. Review by Sheriff's Legal Affairs may be appropriate.

### **Remote Access**

Remote access to the San Diego Sheriff's environment is intended for official business only and can be rescinded at any time. Methods of remote access shall be determined by the Data Services Division. Current remote access methods include VPN, PIM devices such as Blackberry handhels or other approved handheld devices, internal wireless networks, and wireless ISP PC cards/devices.

The use of the remote services are restricted as follows:

- Access to CLETS services for general use and system problem resolution via the VPN or any wireless service via the internet is strictly prohibited per sections 1.6.8 and 1.9.3 of the CLETS Policies, Practices, and Procedures.
- Access to applications modules or services, which programmatically access CLETS, are also prohibited. Such applications and services are to be accessed either on-site or via query.
- Any dial up access to Sheriff's Network is prohibited.
- Use of any remote access method must not compromise or modify the San Diego Sheriff's network security.
- All use of any remote access method must be in compliance with the San Diego Sheriff's and San Diego County's security policies and procedures.

Requests for remote access must be submitted to the DSD Helpdesk by the staff member's station/facility captain/manager or above and include bureau commander approval. VPN and internal wireless access into the Sheriff's systems shall only be provided via a Sheriff's issued

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PC, Laptop, tablet or Smartphone. Upon approval by the staff member's bureau commander, the installation of the departments' VPN client and/or internal wireless shall be performed by Data Services Staff only. (Reviewed 12-8-16)

### 7.14 SOCIAL MEDIA

#### DEFINITIONS

Social Media includes, but is not limited to, Instagram, Facebook, Twitter, LinkedIn, Nixle, Wikipedia, blogs, etc.

#### **I. OFFICIAL DEPARTMENT PRESENCE ON SOCIAL MEDIA**

- A. Potential uses include, but are not limited to:
  - 1. Public notification of missing persons
  - 2. Public notification of wanted persons
  - 3. Advertise community programs and events
  - 4. Distribute crime prevention information
  - 5. Announce notable accomplishments of staff
  - 6. Solicit identification of suspects from photos
  - 7. Distribute time-sensitive updates in emergency conditions
  - 8. Conduct personnel recruitments
  - 9. Public safety announcements
  
- B. Department-Sanctioned Social Media Use
  - 1. Social media accounts and pages purporting to be from the San Diego County Sheriff's Department or any of its component workplaces may only be established upon approval of the affected Commander via Chain of Command and the Media Relations Director or his/her designee.
  - 2. The affected Station Commander and the Media Relations Director, or his/her designee, shall respectively establish the person or people responsible for maintaining and moderating the specific social media pages.
  - 3. Where possible, the social media pages shall clearly indicate they are maintained by the San Diego County Sheriff's Department and have contact information prominently displayed.
  - 4. Where possible, social media pages should state that the opinions expressed by visitors do not reflect the opinions of the department and are subject to public disclosure.
  - 5. Where possible, social media pages shall indicate that posted comments will be monitored
  - 6. Social media content shall adhere to applicable laws, regulations and policies, including policies relating to dissemination of information.
  - 7. Social media content is subject to public records laws. Social media content that is authored by Department personnel for official or investigative purposes is subject to public record laws. Posted comments from outside sources that are connected to a Department approved social media site are the sole property of

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the Internet Service Provider (ISP). Records retention schedules apply only to material authored by Department personnel.

8. Social media content development, posting, maintenance, and use on station-maintained pages shall adhere to the guidelines as set forth in the individual social media sites' community guidelines.
9. Department personnel representing the department on social media shall:
  - i. Conduct themselves at all times as representatives of the department and adhere to all department policies and conventionally accepted standards of decorum.
  - ii. Communicate in a business-like manner, avoiding abbreviations and slang terms often used in social media settings.
  - iii. Not conduct political activities or personal business.
  - iv. Not make statements about the guilt or innocence of any suspect or arrestee or comment on pending prosecutions.
  - v. Not distribute information or videos relating to department training or work-related assignments without the expressed permission of a supervisor from the affected unit.
  - vi. Observe and abide by all copyright, trademark or service mark restrictions when posting materials to social media.

### II. USE OF SOCIAL MEDIA FOR RESEARCH OR INVESTIGATIVE PURPOSES

A. Potential uses include, but are not limited to:

1. Identification of criminal suspects and their associates
2. Locating missing persons or runaway juveniles
3. Background investigations of prospective employees

B. Investigative Use of Social Media

1. The Department has an obligation to include internet-based content when conducting background investigations of job candidates.
2. Vetting techniques shall be applied uniformly to all candidates
3. Reasonable efforts must be made to validate internet-based information considered during the hiring process.

### III. PERSONAL USE OF SOCIAL MEDIA

Employees are reminded that comments, photos and other postings to social media reflecting their nexus to the department may have the effect of diminishing the public's trust and confidence in the department. Accordingly, such postings may violate the Sheriff's Rules of Conduct.

Employee's personal use of social media should not be attributable to the County or the Sheriff's Department or to the employee's job function with the department. Employees shall conduct their social media use in such a manner that a reasonable reader would not think that the employee is speaking for or on behalf of the County or Department unless having been designated as such.



Personal use of social media must be in conformance with all laws, relevant department policies including those relating to harassment, discriminatory conduct and dissemination of information.

A. On duty personal use

1. Employees are generally prohibited from engaging in social media use while on duty, except as may be required in the performance of duty.
2. An exception to this general prohibition is during emergency conditions when social media may be a source of timely public safety information or provide an alternative source of communication when telephones are inoperable.

#### IV. UNAUTHORIZED INFORMATION

Booking photos of an individual arrested on suspicion of committing a nonviolent crime shall not be released or shared on social media unless any of the following circumstances exist:

- The department has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

#### V. QUESTIONS

Social media is a rapidly-evolving technology and there will likely be issues that arise that are not addressed in this policy. If you are uncertain about the application of this policy or if questions arise about the appropriate use of social media, you should seek guidance before posting to social media, since most information cannot be recalled. The Media Relations Director has been designated as the contact person for purposes of answering questions relating to this policy. (12-31-21)

### **8.1 USE OF FIREARMS/DEADLY FORCE**

Prior to receiving authorization to carry a firearm on or off-duty, all sworn personnel shall be instructed in, and given copies of the San Diego Sheriff's Department Policy on the Use of Firearms/Deadly Force.

#### **Definitions**

##### **Fleeing Felony Suspect**

Is a suspect who is attempting to avoid apprehension, has committed a crime that is classified by the California Penal Code as a felony, and may or may not be armed. No fleeing felony suspect should be presumed to pose an immediate threat to life in the absence of actions that would lead one to reasonably believe otherwise. The deputy's reasonable belief must be based on the suspect's actions which previously demonstrated a threat to or the wanton disregard for human life.

The U.S. Supreme Court in *Tennessee v. Garner* held that the use of deadly force to prevent the escape of an apparently unarmed, non-dangerous felony suspect is unconstitutional.

Under current law, deadly force is examined to ensure that a deputy acted in an objectively reasonable manner under the circumstances confronting the deputy.

##### **Reasonable Suspicion**

Reasonable suspicion is the standard used to justify a detention. It exists when an officer has reasonable, articulable suspicion that the person has been, is, or is about to be engaged in criminal activity.

##### **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 officer or another person.

##### **Serious Physical Injury**

Is grave harm or injury which causes or gives rise to the apprehension of danger to life, health or limb.

##### **Negligent**

Failing to exercise the care expected of a reasonably prudent person in like circumstances.

##### **Unintended**

Not intentional or deliberate; unplanned.

It shall be the policy of this Department whenever any Deputy Sheriff, while in the performance of his/her official law enforcement duties, deems it necessary to utilize any degree of physical force, the force used shall only be that which the Deputy Sheriff believes necessary and objectively reasonable to effect the arrest, prevent escape or overcome resistance (per 835(a)PC). Deputies

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shall utilize appropriate control techniques or tactics which employ maximum effectiveness with minimum force to effectively terminate or afford the Deputy control of the incident.

### Use of Shotguns and Rifles

Uniformed patrol, traffic, court service field and prisoner transportation deputies shall equip their vehicle with a shotgun and rifle when such vehicle has been equipped with a holder and shotguns and rifles are authorized and available.

Deputies must complete Department approved training on Department rifle systems before carrying or deploying rifles while on duty.

When considering the use of shotguns or rifles, there will be times when a decision will have to be made as to whether or not deputies shall arm themselves with the shotgun or rifle before the exact situation is known.

The shotgun or rifle may be taken from the vehicle in most cases where a felony is in progress, or when it has already been determined that the suspect(s) are armed with deadly weapons.

The shotgun or rifle should not normally be taken in calls of family disturbances, fights, or other type cases where a felony is not in progress or when there is no prior or known evidence that deadly weapons are involved.

A shotgun or rifle can be a hindrance in certain situations (e.g., foot chases, searching and handling prisoners, confined areas). Therefore, when circumstances indicate the necessity for a shotgun or rifle, the first deputy on the scene should take a shotgun or rifle and after **assessing the situation should, if possible, advise covering deputies whether additional** shotguns or rifles are needed.

### Warning or Attention Shots

Warning or attention shots fired into the air or ground present a danger to the deputy and innocent persons and are generally prohibited.

### Potential Risks to Bystanders During the Discharging of Firearms

Any discharge of a firearm entails significant risk of an unintended outcome and may endanger the lives of bystanders. Deputies shall consider their surroundings (e.g. location, background, traffic) and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

### Moving Vehicles

Shooting at a motor vehicle for the purpose of disabling that vehicle is prohibited. Tactical operations involving the Special Enforcement Detail (SED) are the exception. These operations will be covered in the SED Operations Manual.

Shooting at or from a moving vehicle is generally prohibited, except when immediately necessary to protect persons from death or serious bodily injury. Shooting at or from moving vehicles is generally ineffective and extremely hazardous. Deputies must consider not only their own safety, but the safety of fellow deputies and the public. Tactical considerations and decisions for real and/or potential threat of the vehicle should be assessed.

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A moving vehicle may become an uncontrolled deadly weapon that could seriously injure or kill the occupants of the vehicle and/or subjects in its path if the driver becomes incapacitated before the vehicle comes to a stop. The potential harm to others in the area may outweigh the needs to immediately apprehend the suspect.

Deputies shall not knowingly place themselves in the path of a moving vehicle or in the likely path of a vehicle that is currently stopped but is under the immediate control of a driver. When feasible, deputies should attempt to move out of the path of any moving vehicle to a position of cover. This tactic is safer for the deputy and may eliminate the need for shooting at the driver or occupant of a moving vehicle, thereby also making it safer for others in the area.

Shooting at the driver or occupant of a moving vehicle in self-defense or the defense of another is an option only if:

- The deputy reasonably believes he or she, or another person, cannot move to a safe position.
- There are no other safe and viable options available.
- It is in defense of the life of the deputy or another person.

When a fleeing vehicle does not pose an immediate threat of serious bodily injury or death to the deputy or another person at the scene, firearms will not be discharged at such fleeing vehicles except in extraordinary circumstances when a deputy believes with a reasonable certainty that the driver or occupant will inflict harm likely to cause serious bodily injury or death if allowed to escape.

### **Disposal of Animals**

The use of firearms to kill an animal which is seriously injured or poses a real threat to the safety of humans is approved when no other disposition is practical, and the safety of people has been given prime consideration.

### **Surrendering of Weapons**

Deputies generally shall not surrender their firearms except as a last resort and only after using every tactical plan available. Surrender of a weapon rarely de-escalates a serious situation and can, in fact, put the deputy and innocent persons in jeopardy. The Department recognizes the extreme seriousness of the incidents of this nature and expects that deputies who are assigned to work together discuss and plan for reaction to such critical situations.

### **Removal of Weapon from Holster or Display of Weapon**

Deputies, in carrying out their duties, shall, when feasible, apply de-escalation techniques before resorting to the use of a firearm. As a general rule, deputies shall not remove a firearm from the holster or display firearms unless there is sufficient justification.

Deputies may draw, and point, a firearm when they reasonably believe, based on the totality of the circumstances, that lethal force may be necessary to defend against a threat of death or serious injury to the deputy or to another person; or to apprehend a fleeing person for any felony

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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.

If feasible, a deputy should keep the firearm in the low ready. Additionally, as soon as practical, the deputy shall secure or holster the firearm. The mere unholstering or drawing of a firearm is not a use of force.

The pointing of a firearm at an individual is considered a non-deadly use of force and shall be properly documented in NetRMS and a Use of Force Supplemental form (SO-120). While the drawing and/or pointing of a firearm can discourage resistance and ensure officer and public safety in potentially dangerous circumstances, it can also escalate a situation. Unnecessarily or prematurely drawing a firearm could limit a deputy's alternatives in controlling a situation, may create unnecessary anxiety on the part of the members of the public, and could result in an unwarranted or unintentional discharge of the firearm.

In effecting the arrest of felony suspects, for crimes which carry an implication of violent behavior, deputies may point a firearm for the purpose of obtaining and maintaining control of the suspect.

Deputies (or other employees) who use force to overcome resistance or to control or apprehend a subject must verbally inform their supervisor as soon as practical, but in no event later than the end of shift.

### Utilizing Loading Barrels/Bullet Traps

To reduce the danger of injury or property damage associated with an unintended discharge, firearms shall never be loaded or unloaded inside a Sheriff station/facility, (except during participation in Department Qualifications, training, or practice, at an authorized indoor Sheriff's facility range), under any overhead structure, or in close proximity to buildings, with the exception of Department authorized loading barrels or bullet traps. Deputies generally shall not load or unload a firearm inside of a vehicle.

Personnel shall utilize a loading barrel/bullet trap, **if available**, located at each specific station or facility when loading and unloading their weapon(s).

If a perceived weapon malfunction occurs, a loading barrel will be used to safely render the weapon to a safe condition. **This does not apply to field operations, when returning a weapon back to a safe condition, or after deploying a particular firearm on a call for service.**

Tactical operations involving SED are the exception. These operations will be covered in the SED Operational Manual. (12-31-21)

<b>8.2 DISCHARGE OF FIREARMS</b>
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The Sheriff, at his or her discretion, may authorize professional staff members of the Department to carry firearms during the course of their duties and within the scope of their County employment. As such professional staff members authorized to carry firearms shall conform to the established procedures contained in this section. Possession of a valid Concealed Weapons Permit does not by itself authorize a professional staff member to carry a loaded and concealed firearm, while acting within the scope of their County employment.

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The procedures contained in this section, regarding discharges of firearms, apply to all members of the Department, both on duty and off duty. For purposes of this section, the phrase "deputy involved" applies to all classification of employees, both sworn and professional staff.

Deputies and authorized professional staff members shall exercise the utmost care in their handling and use of firearms while engaged in the performance of their duties and while exercising their option to carry a loaded and concealed weapon while off duty. Fingers shall not be placed on the trigger of any firearm handled unless the conscious and lawful decision has been made to discharge the firearm, or while conducting an administrative functions check on an unloaded firearm.

Deputies and authorized professional staff members shall notify the Communications Center of any discharges of Department issued firearms, whether on or off duty, as soon as is reasonably practical, regardless of whether the discharge was unintended. Deputies and authorized professional staff members shall also notify the Communications Center of any unintentional discharges of non-Department issued firearms, whether on or off duty. The Communications Center will ensure that the Weapons Training Unit is notified of the discharge.

### **Unintended Discharges**

When a shooting incident involving **ANY** firearm including specialty munitions is a negligent or unintended discharge, WTU will schedule the employee for training and requalification. The training shall be accomplished by the next working day.

All unintended discharges, with the exception of those that occurred in a loading barrel or bullet trap, will be sent to Internal Affairs for investigation and appropriate follow up. The discharge of a firearm while using a loading barrel or bullet trap will be an exception. After the discharge into a loading barrel or bullet trap, the command is required to complete a supervisors investigation documenting the circumstances of the unintended discharge.

- No referral to Internal Affairs is required.
- The completed investigation will be sent to the WTU
- No discipline will result.

Unintended discharge of firearms during participation in Department Qualifications, training, or practice at an authorized Sheriff's training facility or range is also an exception, but shall be reported to the WTU staff immediately. Appropriate training and requalification shall be provided as soon as possible. If the unintended discharge results in injury, the Communications Center will be notified.

### **Communications Center**

Upon the notification of a deputy involved shooting incident, the Communication Center will utilize the "critical incident notification checklist" to make the appropriate callouts to notify the appropriate members.

If the shooting is confirmed to be an unintended discharge, the Communications Center will notify the involved deputy's immediate supervisor, the affected captain or station/facility commander and the WTU Sergeant or on-call deputy.

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### **Sergeant**

The sergeant, upon notification of a deputy involved shooting, shall respond to the scene. The sergeant shall obtain a safety statement from the deputy involved.

The sergeant shall arrange transportation for the deputy involved in the shooting to the nearest Sheriff's station. At no time shall the deputy drive from the scene to the station alone.

The sergeant is responsible for crime scene management. The sergeant will ensure there is sufficient manpower to secure the scene, separate witnesses, etc. in accordance with Section Major Crime Scenes, Primary Responders.

The sergeant shall review all reports of the incident to ensure proper documentation has been made.

### **Homicide Unit**

- Upon notification of a deputy-involved shooting incident, the on-call Homicide Sergeant will make a determination of manpower requirements. The Homicide investigative team, under the direction of the Homicide-Sergeant, will thereafter conduct a thorough investigation of all factors related to the incident. A complete report of the incident will be prepared and submitted to the Homicide Unit Lieutenant. Homicide Unit procedure for deputy-involved shooting incidents will be followed as nearly as practicable in all cases.
- The Crime Laboratory will respond with a crime scene investigation team to assist in the investigation of any deputy involved shooting. The Crime Laboratory will send a Forensic Evidence Technician and Criminalist to properly document the scene. In addition to scene processing, laboratory personnel will respond to process each deputy involved in the shooting. Firearms discharged during the shooting will be collected and submitted to the crime laboratory for operability examination. Each involved deputy will also be photographed in order to document appearance and any sustained injuries.
- **Deputies to Cooperate:** All witness deputies involved will cooperate fully with the investigation, answering all questions asked, assisting with the investigation to accomplish its speedy conclusion, and submitting all requested reports. Deputies involved in the actual shooting will be required to cooperate, consistent with State, Federal and Constitutional due process provisions. As part of the investigation, all personnel involved, witnessing or having pertinent information, will submit a detailed report to their immediate supervisor covering the incident. This report will be completed prior to the end of their work shift. A transcribed interview conducted by the Homicide Unit may be used in lieu of the required written report. If prior to, or during the course of the investigation, it appears the deputy could be charged with a criminal offense, the deputy should be immediately informed of his/her constitutional rights.
- **Collection of Weapons Fired:** Firearms discharged during the shooting incident will be collected and submitted to the Crime Laboratory for operability examination. Weapons and or gear may also be collected for other investigative purposes as determined by the Homicide Unit or other assigned investigator. At the conclusion of the incident, and prior to official inspection and testing, deputies shall not load, unload, or operate any weapon fired during the incident, except where it is clearly evident that such loading, unloading, or operation is necessary for the safety of the deputy(ies) and/or the public. All deputies who may have fired their weapons during an incident under investigation will turn them over to

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the investigator for appropriate testing. Deputies will turn over all expended cartridges and all of the ammunition carried by the deputy for use in the weapon(s) in question. A replacement weapon will be provided by the WTU. Every effort will be made to expedite inspection, testing and return of the weapon(s).

- Conclusions/Recommendations Not Required: Where it pertains to Department personnel, Homicide Unit investigators will not draw conclusions or make recommendations as to violation of Departmental policy or procedures.
- When the investigation is completed, a copy of all reports will be submitted to DIS for distribution to CLERB and County Counsel.

### **Weapons Training Unit (WTU)**

The WTU Sergeant or on call deputy, upon notification of a deputy involved unintended discharge, shall respond to the scene to assist the on-scene supervisor in determining the cause of the discharge. If the cause of the discharge is determined to be a result of a mechanical failure of the firearm, the WTU shall collect the firearm for armory analysis. (A replacement weapon will be provided by WTU)

Should an unintended discharge occur with the AR-15 Rifle, WTU will take possession of the weapon until the deputy involved in the unintended discharge has made arrangements for training and requalification on the weapon. WTU will be responsible for training and requalification. This will be accomplished as soon as reasonable.

The WTU Deputy shall prepare and submit a written report to the supervisor investigating the discharge.

### **Internal Affairs**

Internal Affairs is responsible for maintaining unintended discharge records as follows:

- Records on chargeable unintended discharges not resulting in formal discipline shall be maintained for 5 years then destroyed.
- Records on chargeable unintended discharges resulting in formal discipline shall become part of the employee's permanent discipline file.
- All pictures shall be attached to the report filed in Internal Affairs.

### **Discharge of Weapon in Other Jurisdictions**

Primary responsibility for the investigation of a deputy-involved shooting case rests with the agency in whose jurisdiction the incident occurs.

In cases in which some other agency has jurisdiction, (such as a deputy assisting with a robbery case in the City of San Diego) whether the deputy is "on duty" or "off duty," the following procedures will be followed:



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### All Cases

- The deputy involved shall immediately notify the agency of jurisdiction.
- The deputy involved will be responsible for ensuring that the Communications Center is advised of the incident, as soon as possible.
- The Communications Center will utilize the "critical incident notification checklist" to make the appropriate callouts to notify the appropriate members.
- The on-call Homicide Unit Sergeant will proceed as soon as possible to the scene and contact both the deputy involved and the senior investigating officer from the other department. A request will be made for a copy of all the reports to be sent to the Homicide Unit. All witness Sheriff's Deputies involved will cooperate fully with the other agency's investigation and assist them as requested. Sheriff's deputies actively involved in the shooting will be required to cooperate consistent with State, Federal and Constitutional due process provisions.
- The reports will be reviewed by the Homicide Lieutenant and a copy will be submitted to DIS for any further action.

### Discharge of Weapon in Sheriff's Jurisdiction by Officers of Other Agencies

Most law enforcement agencies have "shooting incident" policies similar to the Sheriff's Department. If one of its officers is involved in a shooting incident in the Sheriff's jurisdiction, the other agency will rely on the Sheriff's Department to conduct a comprehensive investigation. The other agency needs to determine if its officer acted within the scope of its policy. Also, as the responsible agency, the Sheriff's Department needs to determine if a crime has been committed or the safety of citizens jeopardized.

The Sheriff's Department will investigate shootings within the Sheriff's jurisdiction by officers of other agencies in the same manner as if the officers involved were members of the Sheriff's Department.

### Procedure - Deputy-Involved Shootings

#### Occurrence - Suspect or Law Enforcement Officer Wounded or Killed

Deputies involved in a shooting will initiate the necessary emergency procedures:

- Administer appropriate first aid measures.
- Notify Communications Center.
- Secure scene.
- Isolate and keep witnesses separate.

#### Patrol/Detective Sergeant

- Proceed to scene. Obtain a safety statement from the involved deputies.

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- Remove and/or separate involved deputy(ies) from the immediate scene as soon as practical.
- Assume immediate supervision of the incident until arrival of Homicide Unit personnel.
- Confirm via Communications Center that the Patrol or Detective Lieutenant and the affected captain or station/facility commander has been notified and are enroute to the scene and that the appropriate on-call Homicide Unit Sergeant is notified.
- Assign appropriate personnel to take the necessary Crime Report of the incident.

### **Division Lieutenant**

- Proceed to scene.
- Assure that involved deputies are kept separate from each other, or from uninvolved deputies, to ensure independent recollection of the incident.
- When necessary, arrange for relief deputy personnel to assume duties of the involved deputy(ies).
- Assure that the involved deputy(ies) firearm is retained by the involved deputy(ies) for exchange by the Homicide Detective.
- With concurrence of the Homicide Sergeant, direct each involved deputy, unless injured, to proceed separately to an appropriate station, where each deputy involved shall remain separated from contact by uninvolved individuals. If transportation is needed, the division lieutenant shall provide it.
- Screen all communications and personal contacts with the involved deputy(ies).
- Provide any information sought by concerned command personnel or family members.
- Assess the demeanor and state of mind of the deputy, keeping in mind that post incident mental/emotional shock may ensue. Based upon his/her observations and evaluation of the involved deputy's demeanor, the ranking investigator shall defer any interviews for a reasonable time. This decision shall be contingent upon the mental and/or emotional state of the deputy. If the mental/emotional state of the deputy suggests the need for medical attention, the Supervisor shall make the arrangements.
- The deputy involved will be placed on administrative leave for at least 24 hours pending further action by the Personnel Lieutenant as defined by P&P Section 3.37.
- Prepare a timely comprehensive report of his/her actions, observations, and evaluations.

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### Captain or Station/Facility Commander

Upon notification of a deputy-involved shooting where a suspect, employee or citizen is wounded or killed, the captain or station/facility commander will proceed to the scene for the purpose of monitoring all personnel activities

### Peer Support Unit

- In accordance with P&P Section 3.44, the Peer Support Coordinator shall be contacted by the Communications Center concerning all deputy-involved shootings.
- Once the Peer Support Coordinator has been notified, he/she will assign peer support personnel to respond to the scene and to contact the Homicide Supervisor upon their arrival.
- Upon concurrence of the Homicide Supervisor the peer support personnel will provide assistance to the deputy(ies) involved in the shooting. The Peer Support Coordinator will also assign peer support personnel to assist family members of the involved deputy(ies) when appropriate.
- At no time will the Peer Support Unit become involved in the investigative process, nor will it discuss any details of the shooting with the involved deputy(ies) outside the presence of the Homicide Investigators. Spontaneous statements pertaining to the incident under investigation, by involved deputy(ies), shall be recorded and reported to the Homicide Investigator. (Refer to Peer Support Policy 3.44) (07-11-22)

<b>8.3 AUTHORIZED FIREARMS AND SPECIALTY MUNITIONS SYSTEMS</b>
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Strict compliance with this order is mandatory.

- Alternate Duty = A firearm used in lieu of the Department issued Glock 22 or 17 during the normal scope of duties. Requires specific written command approval prior to firearm being issued.
  - For a list of allowed firearms, refer to the approved Weapons Training Unit (WTU) website.  
[https://ssp.sdsheiff.com/HRB/Training/WTU/\\_layouts/15/WopiFrame.aspx?sourcedoc=/HRB/Training/WTU/Documents/Authorized%20Alternate%20Duty%20Pistols.docx&action=default](https://ssp.sdsheiff.com/HRB/Training/WTU/_layouts/15/WopiFrame.aspx?sourcedoc=/HRB/Training/WTU/Documents/Authorized%20Alternate%20Duty%20Pistols.docx&action=default)
  - Qualification: Must pass full Department firearms qualification with alternate duty pistol and each subsequently scheduled Department qualification.
- Back-up/Hide-out = A firearm carried in addition to the Department issued Glock Duty pistol, and during the normal scope of duties.

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- Allowed calibers: .22 high velocity, .380, .38, .357, 9mm, 10mm, .40, .44, .45.
- Qualification: As determined by WTU. Must qualify annually.
  
- Off-Duty = A firearm carried when off duty.
  - Allowed calibers: .22 high velocity, .380, .38, .357, 9mm, 10mm, .40, .44, .45.
  - Qualification: As determined by WTU. Must qualify annually.

For a list of approved ammunition refer to the WTU intranet site.

<https://ssp.sdsheiff.com/HRB/Training/WTU/Documents/off%20duty%20.docx>

### **On-Duty - Uniformed and Non-Uniformed Assignment**

P.O.S.T certified training as offered by the Training Division is required if the Department issued semi-automatic pistol, rifle, shotgun (lethal), electronic control device, irritant filled projectile munitions, or other issued lethal or specialty munitions are to be carried in any law enforcement assignment.

P.O.S.T or S.T.C certified training as offered by the Detentions Training Unit is required if the Department issued semi-automatic pistol, rifle, shotgun (lethal), electronic control device, irritant filled projectile munitions, or other issued lethal or specialty munitions are to be carried in any detentions assignment.

In a non-uniformed assignment, any Department approved alternate duty pistol may be carried without the P.O.S.T certified training. However, that deputy must obtain command approval and demonstrate proficiency with that weapon (See 8.7).

### **Off-Duty**

Certified training is not required for carrying a handgun while off-duty. Proper training and demonstrated skill with such weapon are required annually. Proper training is determined by the WTU.

### **Altering or modifying firearms**

Department firearms shall not be modified, nor shall external sighting, lighting, additional control or manipulation systems be added without the authorization and inspection by the WTU. Any alterations or modifications made to off duty firearms must first be authorized by the WTU and documented by the WTU. Personnel with approved different sights shall pass the department qualification with the weapon prior to carrying it. Any weapon that is deemed unsafe by the WTU will not be authorized.

SED weapons systems are the exception and will be covered by the SED Operational Manual.  
(07/15/19)

### Carrying handguns

#### Revolvers and non-semi-automatic pistols

All personnel carrying revolvers and non-semi-automatic pistols are subject to the provisions of Section 8.3 of this manual.

All personnel carrying revolvers or non-semi-automatic pistols will not carry them in the fully cocked position unless there is a factory safety engaged.

#### Semi-Automatic Pistols

All personnel carrying semi-automatic pistols are subject to the provisions of Section 8.3 of this manual.

All semi-automatic pistols shall have a trigger pull of not less than 4 lbs. as verified by the WTU.

When carrying a semi-automatic pistol with a double action feature, the hammer will be uncocked. A round may be in the chamber.

When carrying a single action only pistol, the pistol may be carried with a round in the chamber and the hammer down or with a round in the chamber with the hammer cocked and the safety engaged.

When carrying a single-action only pistol "cocked and locked", it will be carried in a holster incorporating a strap which intervenes between the cocked hammer and the firing pin.

The only exception in carrying a single action only semi-automatic pistol "cocked and locked," without it being in a holster will be those personnel working undercover or plainclothes who need to function without the use of a holster. Authorization for this method will be by the division supervisor who will inform that deputy of the inherent dangers involved in this method of carry.

#### The Proper Procedure for Administrative Loading a Semi-Automatic Pistol:

- Insert the muzzle of the firearm into a loading-barrel/ bullet trap, if available. If not available, ensure muzzle of firearm is pointed in a safe direction.
- Lock slide to the rear.
- Visually and physically inspect the chamber and magazine well to verify that the pistol is empty.
- Insert a fully loaded magazine.
- Keeping finger off the trigger and on the frame, release the slide.
- Place pistol in holster.
- Remove magazine.

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- Insert one round into the magazine.
- Replace magazine in pistol.

### **The Proper Procedure for Administrative Unloading a Semi-Automatic Pistol:**

- With the pistol still holstered, remove magazine.
- Remove pistol from the holster keeping finger off the trigger and indexed along the frame.
- Insert the muzzle of the firearm into a loading barrel/ bullet trap if available. If not available, ensure muzzle of the firearm is pointed in a safe direction.
- Lock the slide to the rear, ejecting the chambered round. Do not attempt to catch the round.
- Visually and physically inspect the chamber to verify that the pistol is empty.

### **The Proper Procedure for Administrative Loading a Shotgun for Patrol Ready Condition:**

- Keeping finger off the trigger, engage the safety.
- Insert the muzzle of the shotgun into a loading barrel/bullet trap, if available. If not available, ensure muzzle of the shotgun is pointed in a safe direction.
- Slide the fore-end back, locking the bolt to the rear.
- Visually and physically inspect the chamber and magazine tube to ensure there are no rounds in the chamber or magazine tube.
- Slowly slide the fore end fully forward and watch the bolt close on an empty chamber.
- Disengage the safety.
- Pull the trigger.
- Keep the weapon pointed in a safe direction and load four shotgun rounds into the magazine tube.

### **The Proper Procedure for Administrative Unloading a Shotgun from the Patrol Ready Condition:**

- Keeping finger off the trigger, engage the safety.
- Insert the muzzle of the shotgun into a loading barrel/ bullet trap, if available. If not available, ensure muzzle of the shotgun is pointed in a safe direction.

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- Slowly slide the fore end back while simultaneously lifting the shell carrier which will release one round. Lock the bolt to the rear.
- Depress the shell catch release bar to allow the remaining three shotgun rounds to be released from the magazine tube.
- Visually and physically inspect the chamber and magazine tube to ensure there are no rounds present.

### **The Proper Procedure for Administrative Unloading a Shotgun with a Chambered Round:**

- Keeping finger off the trigger, ensure the safety is engaged.
- Insert the muzzle of the shotgun into a loading barrel/bullet trap, if available. If not available, ensure muzzle of the shotgun is pointed in a safe direction.
- Depress the slide release tab and **SLOWLY** slide the fore-end back. As the bolt moves to the rear, the extractor should pull the chambered round outward through the ejection port.
- Once the round protrudes from the ejection port, remove it.
- Raise the carrier/lifter and finish moving the bolt to the rear; a round should eject from the magazine tube
- Depress the shell catch release bar to allow the remaining shotgun rounds to be released from the magazine tube.
- Visually and physically inspect the chamber and magazine well to ensure there are no rounds present.
- Reload as necessary, following proper procedure for loading the shotgun for the patrol ready condition.

### **The same procedures above apply to the Specialty Munitions**

### **The Proper Procedure for Administrative Loading a Rifle in the Patrol Ready Condition:**

- Keeping finger off the trigger; verify the selector is at the "Safe" position.
- Remove the magazine and secure in a safe location prior to working at the loading barrel/bullet trap.
- Insert the muzzle of the rifle into a loading barrel /bullet trap, if available. If not available, ensure muzzle of the rifle is pointed in a safe direction.
- Lock the bolt to the rear.
- Visually and physically inspect the chamber and magazine well to verify there are no rounds or magazine present.

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- Release the bolt forward on an empty chamber.
- Insert a fully loaded magazine. **DO NOT PULL THE TRIGGER.**

### **The Proper Procedure for Administrative Unloading a Rifle in the Patrol Ready Condition:**

Keeping finger off the trigger; verify the selector is at the "Safe" position.

- Remove the magazine and place in a safe location away from the loading barrel.
- Insert the muzzle of the rifle into a loading barrel / bullet trap, if available. If not

available, ensure the muzzle of the rifle is pointed in a safe direction.

- Lock the bolt to the rear.
- Visually and physically inspect the chamber and magazine well to verify there are no rounds or magazine present.

### **The Proper Procedure for Administrative Unloading a Rifle with a Chambered Round:**

- Keeping finger off the trigger; verify the selector is at the "Safe" position.
- Remove the magazine and place in a safe location away from the loading barrel.
- Insert the muzzle of the rifle into a loading barrel /bullet trap, if available. If not available, ensure muzzle of the rifle is pointed in a safe direction.
- Lock the bolt to the rear (ejecting the chambered round). Do not attempt to catch the round.
- Visually and physically inspect the chamber and magazine well to verify there are no rounds or magazine present.
- Reload as necessary, following proper procedure for loading the rifle for the patrol ready condition.
- Place ejected round back in the magazine.

### **The Proper Procedure for Storage of a Rifle:**

#### **1. Patrol Ready – patrol vehicle with a gun rack**

- **Bolt forward on empty chamber, safety engaged, and magazine inserted.**

#### **2. Administrative**



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- **Facility Armory-Rifle should be:**
  - Unloaded
  - Safety engaged
  - Magazine removed
  - Bolt locked to the rear
  - SECURED in armory.
  
- **Training/Qualifications-When not being used, rifle should be:**
  - Unloaded
  - Safety engaged
  - Magazine removed
  - Bolt locked to the rear
  
- **Transporting in Vehicle-Rifle should be:**
  - In its issued case
  - Unloaded
  - Safety engaged
  - Magazine removed
  - Bolt locked to the rear
  - Secured in vehicle,
  - In a SECURE location.
  
- **Storage/Days off-Rifle should be:**
  - In its issued case
  - Unloaded
  - Safety engaged
  - Magazine removed
  - Bolt locked to the rear
  - In a SECURE location.

### **Issue, Accountability, Care, Maintenance and Repairs of Department Firearms:**

The WTU will be responsible for the issuance and accountability of all Department firearms and specialty munition systems. Department firearms shall not be issued, traded or exchanged by deputies without the authorization of the WTU. SED weapons are the exception and will be covered by the SED Operational Manual.

Deputies are responsible for ensuring their Department issued firearms (and associated equipment) are cleaned, properly lubricated in accordance with the manufacturer's guidelines and secured from theft or loss. Deputies shall confirm weapons are empty of all ammunition prior to cleaning. Damaged or inoperable firearms shall be reported to the WTU for repairs. Lost or stolen firearms shall be documented by the deputy or facility affected on a crime report and reported to the WTU within 24 hours of loss.

Department firearms shall not be modified, nor shall external sighting, lighting, additional control or manipulation systems be added without the authorization of the WTU.

SED weapons systems are the exception and will be covered by the SED Operational Manual.  
(06-03-21)

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## **SECTION 8 Firearms**

**8.4 FIREARMS: CARRYING  
ABOARD COMMERCIAL  
AIRCRAFT**

Personnel required to carry a loaded firearm on-board any commercial aircraft must complete the Transportation Security Administration (TSA) "Law Enforcement Officers Flying Armed" course prior to carrying loaded firearms on any commercial aircraft. This course satisfies the requirements of Title 49 CFR 1544.219 and Title 49 CFR 1544.221.

Personnel shall notify the air carrier's station management, or a responsible representative of his/her staff, supervisor of passenger services, supervisor of ticket counter, or the person specifically designated to handle the carriage of weapons aboard aircraft for that particular air carrier. This notification should be made at least one hour prior to your flight departure, or in an emergency, as soon as practical. Such notification may be made in person or by telephone.

Notification must include: Name, law enforcement authority and general nature of mission (escort, surveillance, travel, etc.). Upon arrival, and before boarding the aircraft, deputies shall identify themselves with credentials; I.D. with full-face photograph, signature, the Sheriff's signature; and badge. (If escorting a prisoner, show requisition papers, warrant, etc.)

**Prisoners**

If the prisoner is considered to be dangerous, he/she must be escorted by two or more deputies, and the ticket agent should be notified. Prisoners should be adequately restrained (orthopedic leg brace preferred by most airlines). Prisoners must not be seated adjacent to any exit. A deputy should sit between the prisoner and the aisle. Prisoner should be escorted to the lavatory. Food may be served at the discretion of the deputy; no intoxicants may be consumed by the prisoner or the deputy. Deputies with prisoners should board the aircraft in advance of the other passengers and deplane after passengers disembark. No more than one dangerous prisoner may be transported on any one flight unless otherwise authorized by the TSA." Refer to CSB P&P D.05 Prisoner Extraditions for additional information.

**Checked in Baggage**

In accordance with TSA regulations, firearms must be unloaded and locked in a hard-sided container; magazines must be securely boxed or included within a hard-sided case containing the unloaded firearm; and ammunition must be packaged in a fiber (such as cardboard), wood, plastic, or metal box specifically designed to carry ammunition and declared to the airline ticket agent. The deputy must inform the ticket agent at the time of "check in" that his/her weapon is in the locked luggage. The weapon must be unloaded, and the baggage must be locked. The key to the baggage must be retained in the possession of the deputy. Deputies are responsible for ensuring they comply with all current TSA regulations regarding transportation of firearms in checked luggage.

The baggage will be carried in an area, other than the flight crew compartment, that is inaccessible to passengers.

**SYNOPSIS**

These restrictions should enhance the safety of air travelers by avoiding the possibility of inadvertent confrontation between legally armed personnel. It should be remembered that by proper notification, the pilot has briefed his/her appropriate crew members as to the nature of the mission and of the seating arrangement. In the event of a hijacking if a Federal Air Marshal (FAM) team is onboard, do not become involved unless your assistance is requested. If no FAMs are on the aircraft, take the necessary action to prevent loss of life or serious bodily injury. (06-03-21)

**8.5 FIREARMS INSPECTION**

Weapons Training Unit (WTU) personnel shall inspect each firearm and record the serial number and description. The deputy must then qualify with the firearm. This record will be retained by the WTU. (06-03-21)

**8.6 FIREARMS TRAINING**

The following procedures pertain to the monthly allocation of ammunition for individual firearms practice.

Upon request, eligible staff may receive 100 pistol rounds of .40 S&W or 9mm, 10 rounds of shotgun and 40 rounds of .223 rifle per month of authorized practice ammunition.

Eligible staff shall include all law enforcement, Detentions/Court Services and Reserve Deputy Sheriffs who have successfully completed a San Diego Sheriff's Department academy firearms training course or a certified course at another POST/STC approved academy.

All eligible staff will adhere to all posted Range rules as well as the following procedures for the use of the Sheriff's ranges:

- All deputies will be required to display their Departmental identification upon signing in at the range.
- Only that ammunition that corresponds with a deputy's duty weapons will be distributed.
- Pistols will be available for temporary use for those eligible staff not issued a duty weapon.

Those eligible staff must comply with established procedures for the use and care of those weapons.

The Weapons Training (WTU) Unit supervisor shall be responsible for approving and coordinating all Department firearms training. (06-03-21)

**8.7 FIREARMS:  
DEPARTMENT**

### QUALIFICATION SHOOTS

#### All Sworn Personnel

All sworn personnel below the rank of Commander will participate and qualify at each firearms qualification scheduled by the Weapons Training Unit (WTU). All personnel below the rank of Captain (regardless of current duty assignment) will qualify with their Department issued handgun during each Department qualification shoot as scheduled and conducted by the WTU. All law enforcement deputies and Detention/Court Services deputies who have attended the Tactical Shotgun Course will qualify with the 870 shotguns.

Personnel who have been trained in specialty munitions, or any rifle caliber long gun, will be required to qualify with these weapons as directed by the WTU.

Any deputy in a specialized or plain clothes assignment that carries any other approved handgun (personal or Department) while at work as an alternate duty weapon, is required to successfully complete the Department qualification prior to carrying their alternate duty weapon. Thereafter, they must qualify at each scheduled Department qualification. Alternate duty weapon qualifications may allow for extra time due to varying magazines capacities.

The WTU will prepare a written report to include a summary of each qualification and including a list of all personnel who initially failed but successfully re-qualified, failed to participate, or failed to qualify.

#### Definition of Firearms Qualification

The WTU will establish and conduct a comprehensive firearms qualification. It is the responsibility of all sworn personnel to maintain proficiency with each issued firearm.

A firearms qualification will consist of no more than two attempts to successfully pass a prescribed course of fire. Those deputies who fail the first attempt will be allowed a second attempt immediately following the first firearm failure. It is the responsibility of all sworn personnel to meet Department standards at all times. At the conclusion of these two attempts, any personnel who fail to meet Department qualification standards will be scheduled for training and re-qualification by the WTU prior to leaving the range. This training/re-qualification will take place on the employees' next normal workday following their failure to qualify.

#### Failure to Qualify-Failure to Attend Firearms Qualifications

Personnel who fail to participate or attend the firearms qualification are subject to disciplinary action by their command.

All Sworn Sheriff's personnel who are unable to successfully meet the Department standards and pass the qualification within the first two attempts will be restricted from carrying a firearm on duty or off duty until Department standards have been met. Any affected personnel will immediately and without delay notify their supervisor of this failure to qualify and will be placed into a position where a firearm will not be used or needed.

WTU staff shall also immediately notify the employee's command prior to the end of that day's qualification.

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All Retired Sworn Personnel possessing a CCW endorsement who are unable to successfully meet the Department standards and pass the qualification within the first two attempts will be restricted from carrying a concealed firearm and have their CCW endorsement revoked. WTU staff shall retain the Department ID card from the sworn retired employee and notify Personnel of the failure.

WTU staff shall return the retained Department ID cards to personnel. The sworn retired employee shall not carry a concealed weapon until Department standards have been met and their CCW endorsement has been reinstated.

### **Requalification**

Personnel who were unable to meet the Department firearms qualification standard must attend a firearms training session as scheduled by the WTU during their next normally scheduled work shift. At the conclusion of this scheduled training, the employee will be required to re-qualify and meet the Department's firearms qualification standard. The employee will be allowed no more than two attempts to re-qualify.

It is the responsibility of the employee to immediately and without delay notify their supervisor of the result of this firearms re-qualification. The WTU staff will also notify the employee's command.

Personnel who failed to participate will be scheduled to qualify at the request of their command.

### **Light Duty and TTD**

Any sworn member of the Department who is in a limited duty status must still participate in the Department qualification shoot, consistent with any applicable medical restrictions. Sworn members of the Department who are in a limited duty status must (prior to going to the range to qualify) obtain from the Department's Medical Liaison Unit a completed "Light Duty Exemption Form."

The limited duty deputy will bring the completed exemption form with them when they report to the range for the qualification. The deputy will complete the Department qualification card including the test/inventory on the back of the card. They will turn in the completed qualification card and exemption form to range staff. If they are exempt from the entire qualification; they will have satisfied their requirement for participation in that qualification. However, once limited duty or TTD status is discontinued, the deputy shall schedule their qualification shoot with range staff prior to the next Department qualification. If when the TTD status causes the deputy to exceed a year from their last qualification, the deputy must qualify immediately after TTD restrictions are lifted. If the deputy is only exempt from part of the qualification (i.e. no shotgun, etc.) they will then participate in the specific weapon qualification shoot that they can complete in its entirety consistent with their medical restrictions.

If a sworn member of the Department in a limited duty status can complete the Department qualification in its entirety and without further or additional injury to themselves, they may do so. Those who can participate in all aspects of the qualification shoot will not be required to obtain an exemption form first.

If a sworn member of the Department is in a TTD status during the qualification shoot they will not be required to participate in that shoot. The Medical Liaison Unit will forward to the WTU a list of those employees who were TTD during the qualification.

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## **SECTION 8 Firearms**

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## San Diego County Sheriff's Department - Procedure Section

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Failure to successfully complete a Department qualification shoot for over one year will result in the restriction of peace officer powers, including CCW authorization.

### **Failure to Meet Department Firearm Qualification Standards**

If, after attending the mandatory scheduled firearms training, an employee is still unable to meet the Department's firearms qualification standard, division commanders shall generate a supplemental employee performance report. The report shall detail the substandard performance and expected improvement.

Continued inability to meet Department's firearms qualifications standard may result in:

- Restriction of peace officer powers
- Prohibition from carrying a firearm on/off-duty
- Pay step reduction
- Suspension
- Termination

Probationary employees who fail to meet the Department's standards for firearms qualification will be considered as failing to complete the terms and conditions of probation.

### **Off-Duty/Hide-Out Firearms Qualification**

All Sworn personnel must qualify annually with off-duty and hide-out handguns. The WTU will be responsible for providing/conducting the off-duty/hide-out firearms qualification. The qualification shall demonstrate the deputy's ability to operate the handgun safely and obtain a passing score. A maximum of three (3) non-issued firearms may be registered with the WTU for on-duty and/or off-duty usage. These firearms must meet the WTU standards.

Personnel failing to meet Department standards with their off-duty/hide-out handguns will be restricted from carrying them. It is the responsibility of the employee to advise their immediate supervisor of such restriction.

The WTU will also notify the employee's command. (06-03-21)

<b>8.8 DEPARTMENT- APPROVED FIREARMS, AMMUNITION AND GUN BELT LEATHER</b>
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### **On Duty - Law Enforcement Uniform Patrol Assignment and Detentions Uniform Assignment**

The following Department issued firearms, ammunition and gun belt accessory items shall be utilized by uniformed deputies:

Glock 22-.40 S & W pistol

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## **SECTION 8 Firearms**

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Glock 17-9mm pistol  
Issued Duty Ammunition

Remington Model 870-12-gauge Shotgun, issued #00 buckshot or rifled slug

AR-15-.223 Patrol rifle, issued duty ammunition and magazines.

### **On Duty - Law Enforcement and Detentions Non-Uniform Assignment**

The following firearms shall be used:

Glock models on the Weapons Training Unit (WTU) approved list. (see WTU website). Other weapons to be used in a non-uniform capacity may be authorized with WTU approval.

Any personally owned corresponding Glock pistols may also be used once the weapons have been inspected and approved by the WTU.

### **Holsters for Non-Uniform Assignment:**

While on duty, firearms must be worn in an approved holster.

For a list of approved holsters refer to the WTU intranetsite.

<http://ssp.sdsheriff.com/HRB/Training/WTU/default.aspx>

### **Gun Belt Accessory Items**

The following gun belt accessory items will be issued to all Deputies: Holster-Safariland 6280 (version as issued or approved by WTU); gun belt, key ring, baton ring, handcuff case, magazine pouch with magazines, radio holder, Oleoresin Capsicum (OC) spray case, and belt keepers (knife is optional).

Deputies may purchase and wear optional nylon duty belts, accessory items or holsters as authorized by the WTU and/or the Risk Management Unit.

### **Communications Center**

Sworn personnel, if in uniform, and if authorized, shall be armed with any of the firearms, ammunition and leather gear specified.

### **On Duty "Hide-Out/Back Up" Firearms**

Deputies have the option of carrying a hide-out firearm while on duty. The primary purpose of a hide-out firearm is to afford the deputy a secret backup firearm should the deputy ever be placed in a situation of being disarmed of his/her service firearm by a suspect thereby subjecting his/her life or personal safety to grave jeopardy. Therefore, to minimize detection of a hide-out firearm, the weapon must be carried in a manner and location that affords complete concealment from

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## **SECTION 8 Firearms**

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view at all times. The fact that a deputy finds the use of a hide-out weapon is necessary to save his/her life or the life of another dictates last resort action.

Therefore, a hide-out firearm shall be .22 high velocity (see WTU website), .380, .38, .357, 9mm, 10mm, .40, .44, or .45 caliber, any manufacturer, and use any ammunition as approved by WTU. Any deputy opting to carry a hide-out firearm as described above must first have the firearm and ammunition inspected and approved by the Department WTU. The approved firearm will be recorded on an appropriate form which will be kept by the WTU.

### **Off-Duty Firearms**

The carrying of a firearm while off duty is optional. However, when a deputy is armed off duty and it becomes necessary to react to a criminal situation, the deputy may only be armed with those weapons and ammunition authorized by this Department. (Off-duty firearms must be carried in a manner and location that affords complete concealment from view at all times. Any and all modifications to the firearms from the factory must be approved and inspected by WTU and the deputy must show proficiency with it during qualifications.

Refer to "Holsters for Non-Uniform Assignments" for holster specifications when carrying a Department issued gun off duty. The carrying of Department approved personally owned firearms should also follow these same holster guidelines.

In an emergency where an immediate life-threatening danger exists, the deputy may use any weapon, as a last resort, to protect human life.

### **Leaving handgun in unattended vehicle**

Penal Code Section 25452 states: "A peace officer and an honorably retired peace officer shall, when leaving a handgun in an unattended vehicle, secure the handgun in the vehicle pursuant to Section 25140." Section 25140(a) states: "A person shall, when leaving a handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view." Section 25140(b) provides that a violation of subsection (a) is an infraction punishable by a fine not exceeding one thousand dollars (\$1,000). As made clear in Section 25452, absent exigent circumstances, there is no exemption for on, or off duty peace officers.

### **Special Purpose Ammunition/Firearms**

Except for the Special Enforcement Detail (SED), the use of tracer, incendiary, pyrotechnic, explosive, armor piercing, fragmenting ammunition and the Glazer Safety Slug are not authorized.

The SED may be authorized to carry appropriate types of firearms and ammunition to facilitate their tactical operation subject to authorization by their unit commander.

### **Purchasing of Weapons Systems**

Any unit who desires to purchase any lethal or specialty munitions shall submit a request to the WTU prior to the weapons system being purchased. The request will be routed through the

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## **SECTION 8 Firearms**

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proper chain of command and shall have the final approval by the WTU Lieutenant, or his/her designee, prior to the purchase.

### **Policy Review**

To include flexibility in authorized ammunition, the WTU will conduct an on-going testing program to ensure that Department personnel are provided effective, well-balanced ammunition.

Deputies who feel that a particular brand of ammunition is equal or superior to the issued ammunition, may upon written notification to the Captain of the Training Division, request the ammunition be tested and evaluated.

(06-03-21)

### **8.9 ARMORY**

Commands will develop a schedule to ensure cleaning and safety checks are conducted on weapons on a regular basis. This would also include changing of batteries on all electronic less lethal devices and firearms lighting and sighting systems. Those weapons not in operational condition will be taken to the Weapons Training Unit (WTU) for repair. Personnel at a Command will not attempt to repair or make adjustments to Department issued weapons.

### **Inventory**

The WTU will maintain the electronic database records for each weapon that is issued. Command will conduct an annual inventory of assigned weapons and explosives. This inventory will be completed in July of each year and forwarded to the WTU. The WTU will verify Command inventory with property cards and the inventory database to ensure accountability for all weapons.

Discrepancies will be reported to the Assistant Sheriff of the affected bureau.

The WTU and each Command will maintain a copy of the annual inventory for three years.

Upon reassignment of the Command officer or of the armory custodian, an inventory will be conducted.

Access to station and detention facility armories will be limited and controlled.

Personnel with access to the armory will be designated in writing by the Command officer. For efficiency of operation, those designated should include those assigned to the position of the Watch Commander. (07-15-19)

Missing firearms are the responsibilities of the command assigned and will be responsible for maintaining, tracking and reporting any discrepancy. They are responsible for all missing or lost item (weapon) crime reports or unaccounted for issued weapon systems.

(06-03-21)

## **San Diego County Sheriff's Department - Procedure Section**

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### **9.1 EMERGENCY OPERATIONS**

*A situation of such catastrophic nature that normal resources are inadequate or nonexistent shall be designated a state of emergency.*

*The Communications Center Watch Commander will direct and coordinate all operations until activation of the Department Operations Center (DOC) and Incident Command Posts. After initiating DOC staffing, they shall notify the following personnel:*

- *Sheriff*
- *Undersheriff*
- *Assistant Sheriffs*
- *Commanders*
- *Directors*
- *Division Commanders*

*All Sheriff's Department personnel shall report as established by their command's facility Emergency Plan (EOM Section 5.8). If conditions make this impossible, they shall report to the nearest Sheriff's station, substation, or Sheriff's facility.*

*All Sheriff's Department personnel, including Reserves, shall monitor the emergency broadcast system via commercial radio stations to ascertain the emergency level established by the Department or other instructions.*

*Units on an assigned beat and on-duty personnel will remain on duty until properly relieved or instructed otherwise.*

#### *Sheriff's Reserves*

*Law enforcement Reserves shall report, in appropriate uniform, to their duty station. If conditions make this impossible, they shall report to the nearest Sheriff's station, substation, or the Communications Center. Sheriff's Reserves shall report to the station commander at the respective stations to receive orders.*

*Aero Squadron Reserves shall report to ASTREA base. All other Reserves shall report to the Sheriff's Communications Center. They shall assemble by unit under the command of the senior search and rescue deputy present, pending mission assignment from the Department Operations Center.*

#### **Field Deputy Sheriff Responsibilities**

*The first deputy at the scene shall implement LEICS and assume incident command until properly relieved. The general responsibilities of the field deputy are as follows:*

- *Relay intelligence information to the Communications Center without unnecessary delay, giving location, nature and extent of situation, together with estimate of equipment and personnel needs. Initiate activation of the Emergency Response Assistance Team (ERAT) if necessary.*
- *Establish needed perimeters.*
- *Prevention of panic and restoration of order.*

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## **SECTION 9 Emergency Operations**

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- *Protection of property and prevention of looting.*
- *Dissemination of information to citizens through Incident Command Post or Communications Center.*

### **Medical Assistance**

*Any mass casualty event requiring response by medical professionals requires notification of the Communications Center Station X. Station X will alert hospitals, ambulance services, the Blood Bank, the Red Cross, and San Diego County Emergency Medical Services in accordance with Annex D of the County Emergency Operations Plan.*

### **Penal Code Interpretation**

*Section 409.5 of the California Penal Code (Police Authority to Close Area during Calamity) - "Whenever a menace to the public safety is created by a calamity, such as flood, storm, fire, earthquake, explosion, accident or other disaster, Officers of the California Highway Patrol, police departments or Sheriff's offices may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such Officer to enter or remain within the closed area. Any person not authorized willfully entering the area or willfully remaining within the area after notice to evacuate shall be guilty of a misdemeanor. Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the area closed pursuant to this section."*

*There is no statutory authority to forcibly evacuate people who do not wish to be evacuated, unless their presence in the closed area resulted from an entry made after the area was closed pursuant to 409.5(a) or 409.5(b) PC. This section does not override the application of Sections 5150 W&I (Mentally Unable to Care for Self or Others) or 273a PC (Child Endangerment).*

### **County of San Diego Emergency Operations Plan Annex C - Law Enforcement/Traffic Control and Annex H - Evacuation**

*This annex describes the objectives, responsibilities and procedures in requesting and rendering mutual aid, in access control and evacuations.*

### **Emergency Operations Manual**

*The Department's Emergency Operations Manual provides specific plans and procedures necessary for the Department to fulfill its mission during natural and man-made disasters.*

*The areas of operation addressed are:*

- *Level Settings*
- *County Emergency Operations Center (EOC)/Department Operations Center (DOC)*
- *Mutual Aid*
- *Communications*
- *Field Procedures*
- *Detention Operations*
- *Logistics*
- *Checklists*
- *Specific Incident Procedures*
- *References*

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*The Emergency Services Division Captain is responsible for coordinating, reviewing, and revising the Department EOM. The EOM is to be reviewed annually for needed revision or updating. Emergency Services Division is also responsible for Departmental training and exercises in support of the Emergency Manual.*

### **Emergency Planning Detail**

*The Emergency Planning Detail is responsible for development and implementation of emergency preparedness and response plans for the Sheriff's Department, maintenance and acquisition of property obtained under several Homeland Security Grant programs, the composition and maintenance of the Mobile Field Force (MFF) platoons, Emergency Response Assistance Teams (ERAT), and the administrative operation of the Department Operation Center (DOC) during activation.*

*The Emergency Planning Detail is responsible for the acquisition, storage and the issuance of riot control chemical agents and other specialty munitions to Special Enforcement Detail (SED) grenadiers. SED may distribute chemical agents and/or specialty munitions to non-SED personnel who are specially trained as grenadiers. All chemical agents under the control of the Emergency Planning Detail shall be inspected and inventoried annually by SED.*

*The Emergency Planning Detail Lieutenant shall represent the Sheriff as the Department's Law Enforcement Mutual-Aid Coordinator to the San Diego Operational Area, and the California Region VI law enforcement agencies.*

*The Detail Lieutenant shall maintain liaison with Local, State, and Federal Emergency Management Agencies as well as local law enforcement, service and volunteer groups. The Detail Lieutenant shall disseminate Departmental information on capabilities and resources and will coordinate emergency planning activities with outside agencies as necessary. (07-06-20)*

### **9.3 CRISIS NEGOTIATIONS**

*The Crisis Negotiations Team can be utilized any time an individual threatens physical harm to himself or others. The Crisis Negotiations Team is always used in support of the Incident Commander and they receive their missions from the Incident Commander. Negotiators may be requested without the need for activating the Special Enforcement Detail. When the Special Enforcement Detail is activated, the Crisis Negotiations Team shall also be summoned.*

*The procedures employed to effectively control and terminate a hostage situation should be predicated upon a logical evaluation of the totality of circumstances involved in the incident. Time and communications, coupled with hostage/suspect containment, are vital ingredients for a successful resolution.*

*The Crisis Negotiations Team may be utilized in incidents that do not involve the taking of hostages. Incidents such as barricaded suspects, suicidal individuals (suicide by cop), Mobile Field Force activations and any other situations where the verbal skills of influence and persuasion would be appropriate are situations where the Crisis Negotiations Team might be called.*

*Requests for activating the Crisis Negotiations Team shall be initiated by contacting the Communications Center Watch Commander. Communications Center personnel will contact either the Crisis Negotiations Team Commander or Team Leader for approval. The criteria for activating Crisis Negotiators will be based upon the following:*

- *The suspect is believed to be a threat to the lives and safety of himself/herself or others.*

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- *The suspect is believed or known to be armed.*
- *The suspect refuses or appears to be unwilling to respond to deputies at the scene.*

*Once activation is approved, a staging area will be designated by the Incident Commander for responding personnel.*

*The successful conclusion of a hostage situation is predicated upon adherence to the following guidelines:*

- *Contain the hostage taker(s) and hostage(s) unless forced by circumstances to take other action.*
- *Control assisting personnel movements, strategic placement, and use of weapons.*
- *Communicate with superiors, subordinates, the suspect and others as appropriate.*

*Hostage-taker(s) should be prevented from leaving the original area of containment when possible. Failure to limit movement could result in the taking of additional hostages, or injury and/or death of other persons. Allowing limited movement of the hostage-taker(s) from the area of containment may be acceptable when employed as a delaying tactic. However, as a general rule, the more freedom of movement the hostage-taker(s) has the less control the deputies will have.*

*The primary objective of a negotiator is to change the attitude of the hostage-taker(s) from hostility to trust. Time is generally on the side of the negotiator and is the principal tactic used in the negotiating process. During negotiations, the negotiator is an integral part of the law enforcement effort, but is not the ultimate decision maker. Demands by the hostage-taker(s) should be carefully considered and evaluated as to the impact upon the immediate and subsequent circumstances of the overall situation before agreement to or denial of such demands.*

*No one, regardless of rank or position within the Department, retains his/her authority when taken hostage.*

*No deputy shall be expected to surrender his/her weapon(s) upon demand of a hostage-taker.*

*No deputy shall be expected to, nor should feel compelled to, exchange his or her person for that of one or more hostages.*

*In addition to the Department's policy on the use of deadly force, the application of deadly force in a hostage situation must be considered when all reasonable negotiating alternatives have been presented and the immediate threat to human life has not diminished or, when a human life has been taken by the hostage-taker(s). In such instances, the hostage-taker(s) has perilously limited consideration to other options.*

*Once the Incident Commander announces his decision to neutralize the hostage-taker(s) by deadly force, special weapons personnel shall be utilized. (08-05-11)*

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## **SECTION 9 Emergency Operations**

### **9.4 CRITICAL INCIDENTS: TACTICAL ASSISTANCE**

The Special Enforcement Detail (SED) is always used in support of the Incident Commander and they receive their missions from the Incident Commander. The goal of SED is risk reduction in the protection of life and property.

SED is a functional organization which provides tactical and weapons expertise not normally available to the Incident Commander. The method of accomplishing the mission shall be developed by SED personnel. Non-tactical supervisors shall not dictate the tactics to be employed by SED .

While the SED Lieutenant is in charge of the tactical mission, the Incident Commander is responsible for the overall operation. The Incident Commander may modify or withdraw any or all missions at any time.

#### **Activation of the Tactical Unit and Notifications**

Requests for activation of SED shall be initiated by a supervisor and can be based upon the following criteria:

##### **Barricaded Suspect:**

- Was involved or is believed to have been involved in a serious criminal act.
- Is believed or known to be armed.
- Is believed to be a threat to the lives and safety of citizens and/or law enforcement personnel.
- Is in a position of advantage, affording cover & concealment.
- Refuses to submit to arrest.

##### **Hostage Situation**

##### **Hijacking Situation**

##### **Suspect Sniper**

##### **Active Shooter Situation**

When the potential for a tactical call out exists, the Communications Center Watch Commander should either contact the SED Lieutenant or an SED supervisor in advance. The SED representative may elect to deploy a supervisor and scout team before activating the entire team. Activation of the Special Enforcement Detail will be initiated by contacting the Communications Center Watch Commander.

Communications Center personnel will contact the SED Lieutenant, or in his absence, an SED Sergeant and provide a brief overview of the incident, the name and location of the Incident Commander, a telephone number the Incident Commander can be reached at, the location of the Command Post and a safe route of approach.

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Once the activation of SED is approved by the SED supervisor, the Communications Center will broadcast a Code 11 on all frequencies.

An Incident Command Post (ICP), Tactical Staging Area (TSA) and Negotiations Operations Center (NOC) should be established at all tactical operations. When possible and safe to do so, the Incident Command Post should remain in close proximity to the TSA and NOC.

Special care should be taken to ensure the Incident Command Post, each staging area and their respective approach routes are established within a reasonable distance from the target but not within the suspect's field of fire.

The Incident Commander shall designate a location for press briefings and notify the Media Relations Designee.

The Communications Center will ensure the appropriate command structure is notified at the onset of every tactical operation. (07-06-20)

<p><b>9.6 ALTERING TELEPHONE COMMUNICATIONS - HOSTAGE/BARRICADED SITUATIONS</b></p>
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When the Incident Commander has made the decision to alter existing telephone conditions, he/she shall notify the Crisis Negotiations Team Commander or his/her designee.

The Crisis Negotiations Team Commander, or designee, will supervise this procedure to ensure communication with the suspect is limited to authorized personnel.

At the conclusion of the incident, the Crisis Negotiations Team Commander or designee will ensure the altered telephone conditions are returned to their previous status. (07-06-20)





## **San Diego County Sheriff's Department - Procedure Section**

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### **10.1 ORIENTATION PHASE TRAINING**

Orientation phase training programs will be conducted at all locations of the Detention, Law Enforcement and Court Services Bureaus.

Orientation phase training provided will be consistent within each bureau for all trainees.

Training guides will be used to ensure a consistent approach to instruction. These guides shall be used by supervisory personnel in the evaluation of trainee performance.

Law enforcement, court and detention phase training shall be consistent with the department's Field Training Manual, Court Training Manual or Detentions Phase Training Manual. Based on the trainee's performance, this process may be accelerated at the discretion of the division commander as long as the training officer, deputy in training and division commander are in agreement. Any acceleration of phase training must adhere to the minimum training time set forth by California P.O.S.T. standards and or the STC standards.

Law enforcement trainees, who are hired as a "lateral" and have less than two years prior patrol experience, will be required to complete the entire patrol training phase as set forth in the Field Training Manual.

Law enforcement deputies, who are hired as a lateral and have more than two years of patrol experience, will be required to complete a minimum of one-half of the patrol training phase as set forth in the Field Training Manual. The training provided should ensure that the lateral hire is familiar with Sheriff's Department operations and policy and procedure.

The training provided by training officers shall not minimize or relieve command officers and, in particular, first-line supervisors from their basic responsibility of training subordinate personnel.

Upon successful completion of law enforcement phase training, the station training coordinator will compile a packet which will include all phase training evaluations, the field training manual, and any other documents pertinent to the trainee's field training. Once the packet is complete, it will be forwarded to the Sheriff's In-Service Training Unit where it will be electronically or physically saved indefinitely. If the packet is electronically saved, the physical packet will be destroyed in a secure manner.

If a trainee does not complete law enforcement phase training, the station training coordinator will compile a packet of all training materials up to the point of separation from the assigned station. This packet will then be forwarded to the Sheriff's In-Service Training Unit where it will be electronically or physically saved indefinitely. If the packet is electronically saved, the physical packet will be destroyed in a secure manner.

The jail or court training coordinator will maintain the training file for all deputies at the conclusion (Pass or Fail) of jail or court phase training. All phase training files will be electronically or physically saved indefinitely. If the packet is electronically saved, the physical packet will be destroyed in a secure manner. (05-16-23)

### **10.2 FIRST AID AND CPR TRAINING**

All personnel covered by Penal Code Section 13518 have a responsibility to their Department and to themselves to maintain both of these cards.

The following personnel must maintain active cards in First Aid and Cardiopulmonary Resuscitation (CPR):

All sworn personnel, regardless of rank.

#### **Public Agencies Where Training Is Available**

#### **SECTION 10 Training**

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Sheriff's Academy (Training)  
Most Fire Departments  
Most Community Colleges

### **Non-Profit Agencies Where Training Is Available**

American Heart Association  
American National Red Cross

NOTE: It is recommended that qualification and re-qualification of cardiopulmonary resuscitation (CPR) be completed under the auspices of the American Heart Association. (02-26-14)

### **10.3 LINE-UP TRAINING**

The line-up training program will be structured and centrally coordinated by the Sheriff's Training Academy or the Detention Training Unit as applicable. The program will be tailored to meet the needs of each Departmental operation and consistent in format and duration with shift briefing constraints.

Both the In-Service and Detention Training Units will be responsible for:

- The research, acquisition, development, production, maintenance, storage, control, and dissemination of line-up training instructional materials, visual aids and lesson plans.
- Providing assistance to unit training sergeants in the development of training forecasts and lesson plans.
- Reviewing the evaluations on the training line-up program.

The immediate shift supervisor will assist the unit training sergeant with identifying personnel training needs, planning the training program, and monitoring the effects of the training on personnel performance.

The unit training sergeant is responsible for the execution of the line-up training program by:

- Establishing liaison with the in-service and detention training personnel.
- Developing a line-up training forecast.
- Reviewing and developing training lesson plans, visual aids, and techniques that are consistent with Department policy and with high standards for officer safety.
- Obtaining and scheduling line-up presentations by outside experts (FBI, DEA and ABC) and/or specialists within the Department (Bomb/Arson, Fraud, Homicide, Lab).
- Forwarding annual review of line-up training to the Unit training lieutenant.

The unit training lieutenant will be responsible for insuring the delivery and effectiveness of the line-up training by:

- Making sure the training is appropriate and current.
- Ensuring that the training materials are consistent with station procedures, department policy, and state and local law.
- Providing the unit training sergeant with directions concerning training goals and prioritizing training forecasts.

## **San Diego County Sheriff's Department - Procedure Section**

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Unit training officers are responsible for researching and initiating line-up training topics. They will assist the training sergeant in developing lesson plans, training techniques, and performing line-up training by coordinating:

- Lectures, discussions, and updates;
- Tapes, films, and slides;
- Demonstrations and scenarios; and
- Desk-top paper. (07-31-98)

### **10.4 SPECIALIZED TRAINING**

It is the responsibility of each command to:

Identify, in a written directive, those positions for which specialized training is required.

Identify the precise training program necessary to satisfy the specialized training need. The training program should, at a minimum, address the following:

- Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization.
- Management, administration, supervision, personnel policies, and support services of the functions or component.
- Performance standards of the function or component.
- Agency policies, procedures, rules, and regulations specifically related to the function or component.
- Supervised on-the-job training.

The command shall within 30 days of the assignment of an employee to a specialized position, initiate a request for specialized training with the Training Division. The Training Division will then, in conjunction with the command, arrange for the appropriate programs necessary to satisfy the training requirements for the specialized position.

### **10.5 TRAINING ATTENDANCE**

#### **Punctuality**

- Every person attending a training program will be punctual throughout the entire course.
- If a student is unable to be punctual, it will be the responsibility of that student to insure the instructor is notified in a timely manner.

#### **Absences**

- If a student is unable to attend a class or an entire course of instruction, it will be the student's responsibility to notify:
- The student's immediate supervisor and, the applicable training unit, Sheriff's In-Service Training Unit Detentions Training Unit.

## **San Diego County Sheriff's Department - Procedure Section**

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- All absences will be treated the same as a regular absence from a duty assignment, and guidelines for proper notification shall be the same as any other absence.

California P.O.S.T. and S.T.C. allows for a student to be excused from ten percent of a P.O.S.T. or S.T.C. certified course. However, based on course requirements, the Sheriff's In-Service Training Unit or Detentions Training Unit may require full participation in a course in order to meet the course objectives.

Attendance rosters will be prepared and maintained by the applicable training unit, Sheriff's In-Service Training Unit or Detentions Training Unit.

Upon successful completion of the training program, the Training Coordinator shall see that the proper documentation is placed in the employee's academy training file.

Unless specified in the course announcement, the attire for training will be an authorized uniform or "Business Casual", collared shirt, no jeans. (10-01-08)

<b>10.6 CONTINUING PROFESSIONAL TRAINING - SWORN</b>
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Continuing Professional Training programs shall consist of one or more of the following:

- STC mandated in-service training programs.
- POST mandated continuing professional training courses.

Other training programs may consist of one or more of the following:

- POST supervisory and management courses.
- Approved courses provided by outside presenters.
- Agency specific in-house training.
- Line-up training
- Training Bulletins

While it is the responsibility of all employees to remain current, each command will ensure line-up training includes:

- Training Bulletins
- Tactical Tips
- Legal Updates
- Policy and Procedure Changes

Personnel holding the rank of lieutenant, or above, may, with the approval of the Undersheriff, be selected to attend advanced training of the type provided at:

- The FBI National Academy
- The Senior Management Institute For Police
- POST's Command College

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### **SECTION 10 Training**

## **San Diego County Sheriff's Department - Procedure Section**

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- POST's Executive Development Programs

The responsibility for continuing professional training of all sworn personnel shall be under the jurisdiction of the following organizational components:

- The Detention Training Unit will be responsible for all continuing professional training involving sworn personnel assigned to the Detention Services Bureau.
- The In-Service Training Unit will be responsible for coordinating the continuing professional training of all remaining personnel. (04-24-08)

### **10.8 PROFESSIONAL STAFF TRAINING**

#### **Personnel Division**

- It will be the responsibility of the Sheriff's Personnel Division to:
- Advise the new employee at the time of hire of working conditions, regulations, and job responsibilities, and provide the employee with a copy of the Rules of Conduct for professional staff members of the Sheriff's Department.
- Place the names of all new employees on the Sheriff's Special Order for distribution.
- Enroll new personnel in a San Diego County Employees' Orientation which will acquaint them with their rights and benefits as civil service employees and introduce them to County government.
- Schedule an orientation and tour of the Department, in conjunction with the Professional Staff Training Unit.

#### **Manager**

While it is the responsibility of all employees to remain current, each manager will ensure on-going training includes Policy and Procedure and legal updates when published.

#### **Immediate Supervisor**

- The employee's immediate supervisor will provide on-the-job training, either personally or by delegation.
- The supervisor will monitor and evaluate the employee's performance, constructively assisting the employee in learning job tasks and improving skills.
- The supervisor will release the employee from job responsibilities periodically to attend training classes that are job-related.

Professional staff positions which require structured on-the-job training prior to assumption of duties in addition to orientation are:

- Communications Dispatcher
- Community Service Officer
- Crime Prevention Specialist

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- Sheriff's Records Clerk I
- Detention Processing Technician
- Detention Information Assistant

### **Professional Staff Training Unit**

It will be the responsibility of the Professional Staff Training Unit to:

- Provide an orientation and tour for all new professional staff.
- Provide training support to other divisions within the Department.
- Maintain current files and contacts of training opportunities. (10-01-08)

### **10.9 CORPORAL/TRAINING OFFICER PROGRAM**

#### **General Provisions**

Sheriff's Training Officers are Deputy Sheriffs, Deputy Sheriff Detentions/Courts who are assigned a collateral duty of providing basic and in-service instruction and peer leadership to Sheriff's Department employees. Sheriff's Corporals are veteran, time-tested Training Officers who are assigned a collateral duty of providing basic and advanced instruction and peer leadership to Sheriff's Department employees. Corporals perform additional duties as generally outlined in the "Training Officer / Corporal Duty Description."

#### **Training Officer Assignments**

The number of authorized Training Officer assignments is based upon the number of line Deputy Sheriff or Deputy Sheriff Detentions/Courts positions authorized for the Law Enforcement, Detentions and Court Services Bureaus. A maximum of 20% of line staff may be assigned as Training Officers. All sworn positions in the Training Division, Detention Training Unit, and the Special Enforcement Detail are designated as Training Officer positions.

The number of Training Officer positions will be reviewed during the annual budget process. Additions or deletions are subject to approval by the Assistant Sheriff of the affected service.

#### **Training Officer Eligibility Standards**

Deputy Sheriffs, Deputy Sheriff Detentions/Courts wishing to be considered for assignment as Training Officers within a particular bureau must meet the following basic criteria:

- Non-probationary, with an additional 12-months experience within the bureau
- Non-probationary lateral entry Deputy Sheriffs, or Deputy Sheriff Detentions/Courts, with 12-months experience in patrol, detentions, or court services, amassed with another agency, may satisfy the assignment requirement.
- Has not had an excessive force complaint sustained finding within the past three years from the date of the internal affairs final disposition.
- Demonstrate qualities of leadership and sound judgment, particularly in stressful situations
- Demonstrate a thorough knowledge of the duties, responsibilities, department policies and procedures, statutory law, case law and local ordinances governing the functions of a Deputy Sheriff, or Deputy Sheriff

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Detentions/Courts.

- Demonstrate integrity, loyalty, job interest and dedication to duty
- Performance evaluations document the production of high-quality work
- Demonstrate desire to assume the responsibility of a Training Officer
- Ability to effectively communicate instructional information and knowledge to others
- Ability to be objective in the evaluation of trainees
- Patient and committed to working with substandard trainees as a means of elevating the quality of their performance to an acceptable level.

### **Assignment Restrictions**

- Training Officers and Corporals shall not provide instructions in functions they are not authorized to perform by law, department policy or job description.
- Training Officers assignments are effective for a period of one-year, subject to reassignment.
- Canine handlers are not eligible for assignment as Training Officers.

### **Training Officer Selection**

The selection of Training Officers shall be accomplished at the division level, pursuant to the following process:

In anticipation of assigning new Training Officers, a bureau shall solicit transfer requests, resumes and assignment preferences from interested deputies. Deputies' Division Commanders shall review each transfer request to ensure that individual applicants meet basic experiential requirements, and then forward the requests of qualified candidates to the bureau for compilation of a master list of candidate deputies.

The names of all Training Officer candidates seeking assignment as a Training Officer in a particular division shall be submitted to the Division Commander, upon request. The Division Commander, or designee, shall then administer an examination process, designed by the bureau, to assess candidates' qualification for assignment as Training Officers. Upon completion of the examination process, the Division Commander may assign new Training Officers.

### **Performance Expectations**

Each bureau shall define basic command expectations for its Training Officers. Performance standards shall be defined, in written form, and provided to every newly assigned Training Officer. Division Commanders may add specific expectations to meet special needs of the command. Newly assigned Training Officers shall execute the document, thereby acknowledging their understanding and agreement with the provisions of the document.

### **Training Officer Compensation**

Training Officers shall receive fiscal compensation on a biweekly basis pursuant to the Memorandum of Agreement for the current contract period.

### **Specialized Instruction for Training Officers**

The Training Division Lieutenant and Division Commanders shall provide training opportunities as a means of developing basic skills for newly assigned Training Officers. During their first year as a trainer, Training Officers must, at a minimum:

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- Successfully complete the Basic Training Officer's Course
- Gain practical teaching experience through on-the-job training of new employees, development of lesson plans, and/or delivery of in-service training to veteran employees
- Demonstrate basic competence as a trainer

During their first 180 days as a trainer, Law Enforcement Training Officers, regardless of assignment, must:

- Successfully complete eight hours of Crisis Intervention Behavioral Health Training, unless they have completed eight hours of crisis intervention behavior training within the past 24 months or have completed the 40 hours of crisis intervention behavioral health training. Detention Training Officers are exempt from this training.
- Detention Training Officers will receive training which addresses and identifies mental illness and suicide prevention within a detention facility setting through Standards and Training for Corrections (STC).

### **Performance Evaluation and Renewal of Training Assignment**

All new Training Officers shall receive a monthly evaluation, (PER10), for the first 12 months of appointment, documenting acceptable and/or unacceptable performance levels. This evaluation shall be filed in the Training Officer's station file for a period of one year

Each Training Officer shall receive an annual division-level evaluation in prescribed form, of their training performance. Training performance evaluations shall be submitted to Division Commanders within 20-days following completion of the training assignment period. Training evaluations will be given in addition to standard Performance Impact reports.

Training Officers interested in continuing as trainers must submit written requests for reassignment to their Division Commanders thirty days prior to expiration of their current training assignment. Division Commanders shall consider deputies' training performance reports in deciding whether to reassign training duties for another year.

All Training Officers who remain in a position after one year of successful training performance shall be granted Corporal status. Corporals shall receive fiscal compensation on a biweekly basis pursuant to the Memorandum of Agreement for the current contract period.

### **Specialized Instruction for Corporals**

The Training Division Lieutenant and Division Commanders shall provide specialized training opportunities to prepare Corporals to perform advanced training functions, including but not limited to:

- Developing the skills of first-year Training Officers
- Developing and delivering training to members of the department-at-large

### **Performance Evaluation and Renewal of Corporal Assignment**

Each Corporal shall receive an annual division-level evaluation, in prescribed form, of their training performance. This is in addition to the standard Performance Impact report.

Corporals interested in continuing as trainers must submit written requests for reassignment to their Division Commanders thirty days prior to the expiration of their current training assignment. Division Commanders shall consider Corporals' training performance reports in deciding whether to reassign training duties for another year.



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### **Intra-Bureau Transfers of Training Officers and Corporals**

Training Officers and Corporals may transfer among division within their bureau, and retain their training assignment, under the following conditions:

- A Training Officer / Corporal vacancy exists at the desired division
- The commander of the desired division concurs.

### **Termination of Training Officer / Corporal Assignment**

Training assignments may terminate for a variety of reasons, including but not limited to:

- The one-year training assignment expires
- The Training Officer / Corporal chooses to vacate the training assignment
- The Training Officer / Corporal is assigned to duty that has no training component
- The Training Officer / Corporal fails to perform competently as a trainer
- The Training Officer / Corporal demonstrates negligence or willful misconduct

### **Evaluation of Training Programs**

Overall program evaluation shall be accomplished by the operational commands in cooperation with the Training Division Lieutenant. The evaluations shall, in part, be based upon individual performance rating of employees who have received training. Such program evaluation is intended to ensure continuing viability and appropriateness of training. (12-31-21)

<h3><b>10.10 Minimum Training Standards and Requirements for Use of Force Policy</b></h3>
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This policy shall designate the minimum training standards and requirements relating to demonstrated knowledge and understanding of the Sheriff's Department use of force policy by deputies and first line supervisors.

The minimum training and course titles to achieve the above stated objective are listed below:

- Use of Force
- Arrest and Control
- Annual Maximum Restraint Cord Cuff Training and Test
- Annual Wrap Training Video and Bulletin
- Sheriff's Less Lethal Certification Course

(12-31-21)



**ADDENDUM F SECTION  
USE OF FORCE GUIDELINES**

The preservation of order and the observance of law are best achieved through voluntary compliance rather than force or compulsion. The higher the level of public voluntary compliance and cooperation, the less need for the use of force. To that end, the use of force must always be considered secondary to the desirability of voluntary compliance to law.

The enforcement of law and performance of law enforcement duties may require the use of physical force and physical restraint. Both law and department policy authorize the use of force. Deputies are protected under criminal and civil law when using force in a legally appropriate and proper manner. It is incumbent on the department, and all sworn personnel to carry out duties, including use of force and restraint, in a manner that is fair and unbiased, provides for the greater public safety, and in such a way as to engender public trust and confidence as well.

**POLICY:**

It shall be the policy of this Department that any Deputy Sheriff, in the performance of his/her official law enforcement duties, who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Deputies shall not lose their right to self-defense by the use of objectively reasonable force to effect an arrest, prevent escape, or overcome resistance (per 835a(d) P.C.). The use of force and subsequent reporting must be in accordance with the procedures set forth in these guidelines (see also Policy and Procedures Section 6.48).

Deputies may only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others.

Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it. Regardless of the type of force used by a deputy, the force used should always be proportional to the threat perceived by the deputy.

**DE-ESCALATION:**

De-escalation is defined as actions taken in an attempt to stabilize an incident in order to try and reduce the immediacy of a threat by obtaining more time, tactical options or resources to resolve an incident. The goal of de-escalation is to gain voluntary compliance of subjects, when feasible, and or to potentially reduce or eliminate the need to use force on a subject.

De-escalation, crisis intervention tactics and alternatives to force techniques shall be used when it is safe and feasible to do so. De-escalation does not require that a deputy risk their safety or the safety of the public.

If time and circumstances reasonably permit, deputies should consider whether a subject's lack of compliance is a deliberate attempt to resist being taken into custody or rather an inability to comply with deputy orders based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability or dementia
- Physical limitation
- Language barrier
- Drug/alcohol interaction/impairment

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- Psychological or emotional crisis

A deputy's assessment of these factors, when time and circumstances reasonably permit, should be considered when deciding which tactical options to potentially use to attempt to bring the incident to the safest possible resolution.

Attempting to mitigate the immediacy of a threat can potentially give deputies more time to utilize additional resources such as additional cover deputies or specialty units. Additional deputies on scene may increase available force options and may increase the ability to reduce the overall force needed to resolve an incident.

Other De-escalation techniques deputies may consider using include but are not limited to the following:

- Placing barriers between an uncooperative subject and a deputy
- Containing a threat
- Moving from a position that exposes deputies to potential threats to a safer position
- Decreasing the exposure to potential threats by using
  - Distance
  - Cover
  - Concealment
- Communicating with a subject from a safe position using the following compliance techniques:
  - Verbal persuasion
  - Advisements
  - Warnings
- Requesting additional resources, including but not limited to:
  - Additional cover deputies
  - Less Lethal Weapons
  - P.E.R.T.
  - S.E.D. (if situation warrants)
  - C.N.T. (if situation warrants)
  - A.S.T.R.E.A. (if situation warrants)
- Any other tactics or approaches that attempt to gain subject compliance.

### **VULNERABLE POPULATIONS:**

Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities. Members of these populations may exhibit behaviors or actions that are significantly different from those persons who do not belong to a vulnerable classification. Additionally, actions of vulnerable populations may sometimes appear as willful or intentional misconduct if it were done by someone who is not a member of a vulnerable population.

In contacting members of a vulnerable population, deputies should understand, and allow for, the fact that members may require additional time and/or assistance to comply with, or understand, a deputy's commands or directions.

Prior to using force, deputies should evaluate whether the use of force is appropriate based on the subject's classification as a vulnerable person. In evaluating the level of threat posed by the subject, a deputy should consider the vulnerable persons age (children, elderly) and physical condition (i.e. under the influence, physically handicapped, pregnant).

### **REPORTING USE OF FORCE:**

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Force includes the pointing of any firearm or weapon designed to fire a projectile and any incident involving the actual or attempted detention of a subject at gunpoint (defined as holding the barrel of a weapon on a person).

Deputies (or other employees) who use force to overcome resistance or to control or apprehend a subject must verbally inform their supervisor as soon as practical, but in no event later than the end of shift. Whenever any physical force used by a deputy results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately.

All deputies (or other employees) using force must clearly articulate the force used in writing (See below Exceptions). All deputies who witness force resulting in serious injury must document their observations in writing. All uses of force will be documented in the narrative of an arrest report, crime report, or deputy's report by the primary reporting deputy in NetRMS. The force used by each deputy, and force that results in serious injury, which is observed by a deputy or other employee, will be documented in a deputy's report, to be attached to the primary report (See below Exceptions). The names of all employee witnesses shall be listed in the primary deputy's report. If in doubt as to the necessity or type of report required, seek direction from a supervisor.

Additionally, one Use of Force Supplemental form (SO-120) will be completed by each deputy who uses force on a subject and will describe only that force used by the reporting deputy (See below Exceptions). During incidents where force is used on multiple subjects, a separate SO-120 form will be completed for each subject.

When the Special Enforcement Detail (SED) uses physical force to overcome resistance or to control or apprehend a suspect, their personnel will comply with the Use of Force Guidelines set forth in Policy and Procedure Addendum Section F (See below Exceptions).

### Exceptions:

- In deputy involved shootings and use of force resulting in death or a high probability of death, the involved deputies and witnessing deputies will be interviewed by the Homicide detective or other detective as assigned by the Homicide sergeant.
- If the only force used by a deputy, or multiple deputies, was the pointing of a weapon (firearm, less lethal, CED), only the primary deputy will document the use of force in the appropriate report narrative and on a SO-120 Use of Force Supplemental form.
- During the service of high-risk preplanned warrants and tactical operations, SED will document all uses of force that pertain to the pointing of any firearm or weapon at a subject in their Department approved After Action Report as required by their individual unit operating procedures. They will also complete one SO-120.

Text on the supplemental form, SO-120, is optional but all the appropriate boxes shall be checked. The use of force reports and supplemental SO-120 form must be completed and submitted no later than the end of shift. In those cases when there is no case number, the event number should be substituted. Station/Facility Captains will be required to review all Use of Force Supplemental forms (SO-120), Use of Force reports and any other supporting documentation of the previous month no later than the 10<sup>th</sup> of each current month. The Division of Inspectional Services will be responsible for verifying that all Use of Force reports have been completed and approved.

Supervisors and/or investigating deputies will make every attempt to identify and interview all necessary civilian witnesses to use of force incidents. Professional staff employees who witness force resulting in serious injury shall be interviewed. Whenever possible, interviews will be recorded.

In all cases where force is used, photographs will be taken of the suspect. Photographs will also be taken of where the force was applied. All injuries to deputies or subjects shall be documented in the NetRMS report. All photographs taken shall be attached to the NetRMS report and submitted into evidence. Photographs will also be taken of any resulting property damage. A Medical Records Release Form, PAT-43, will be used to obtain copies of treated subjects' medical records for inclusion in the report.

All images depicting uses of force produced by or legally in the possession of the Sheriff's Department, whether video or still photos shall be entered into evidence, and their existence noted in the primary use of force report. The images, if available, should be viewed by the supervisor who approves the use of force report(s).

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The basic questions addressing who, what, when, where, how and why, must be answered. In addition, the following must be specifically included:

- What did the subject do? (Provocation)
- What could have happened if the subject was not stopped?
- What did you do to counter the subject's actions?

Whenever a subject requires or reasonably requests medical attention after a use of force incident, a deputy shall provide medical attention, request medical aid, and/or transport them to a medical facility as soon as it is safe and practical.

When an adult prisoner, in a field arrest situation, requires medical treatment as the result of physical force being applied by a deputy, and the prisoner refuses medical examination and/or treatment, the arresting/transporting deputy will complete an original and one copy of form

J-223 (Statement of Refusal of Medical Treatment). The original will be presented to the Jail Intake Nurse at the time the prisoner is evaluated for intake into the jail. The copy will be attached to the NetRMS report.

All juvenile arrestees requiring medical treatment as the result of physical force being applied by a deputy will be processed in accordance with section 739(d), Welfare and Institutions Code.

All use of force reports will be reviewed via the chain-of-command to the level of captain. Any supervisor within the chain-of-command may initiate an administrative investigation. All reports (arrest/juvenile contact reports, inmate status reports, medical reports, etc.) will be processed in a timely manner and not withheld pending follow-up investigative reports.

### **Supervisors Responsibilities:**

A supervisor or designee will respond to the scene or medical facility to investigate uses of force that result in a complaint of injury or an injury that necessitates medical treatment and investigate the circumstances surrounding the incident. The supervisor will ensure that all witnesses were identified and interviewed, proper photographs were taken of all injuries and damage, and legal means of obtaining records of medical treatment is accomplished. In serious injury cases, the supervisor will be responsible for interviewing the subject about the force used during the incident. Whenever possible the interview will be recorded.

The supervisor or designee will notify the facility or communications center watch commander of the findings.

If the supervisor or watch commander deems an incident to be of significant magnitude, additional action may be initiated, such as notification of supervisors via the chain-of-command, Peer Support, Internal Affairs, the Homicide Unit, etc.

### **Division of Inspectional Services Responsibilities:**

The Division of Inspectional Services is responsible for notifying the Department of Justice monthly of all instances when a deputy is involved in any of the following:

- (1) An incident involving the shooting of a civilian by a peace officer.
- (2) An incident involving the shooting of a peace officer by a civilian.
- (3) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.
- (4) An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.

### **LEGAL ASPECTS:**

All sworn employees should familiarize themselves with policy and law that relate to the use of force. The following list represents some of the more pertinent areas:

- Conformance to Federal, State and local laws, and department policies

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- Use of Force
- Use of Lethal/less Lethal Weapons
- Physical Force
- Use of Firearms - Deadly Force
- Inhumanity to prisoners
- Assaults by officers under color of authority
- Lawful resistance, by whom made
- Duty of a person to refrain from using force or weapon to resist arrest
- Method of arrest; reasonable restraint
- What force may be used?
- Personal rights
- Peace Officer liability
- Punishment for assault
- Deprivation of rights under color of law
- Civil Rights Act
- Civil action for deprivation of rights
- Action for neglect to prevent
- Self Defense

### **FORCE OPTIONS**

Force options are choices available to deputies concerning the methods outlined in these guidelines. Deputies should choose the available force option, which is reasonable and necessary for the circumstances at the time. Subjects must not gain the advantage in a physical confrontation; therefore, deputies may need to use a force option that exceeds the subject's force level. The Use of Force Options Chart, including "Levels of Resistance" and "Principles of Control" follows, accompanied by an explanation of its various components.

**Warnings:** In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance.

#### **Levels of Resistance:**

**Psychological intimidation** refers to a subject's nonverbal cues indicating the subject's attitude, appearance and physical readiness to resist.

**Verbal noncompliance** is evidenced by a subject's expressed unwillingness to comply with a deputy's commands.

**Passive resistance** is represented by a refusal to respond to verbal commands but also offers no form of physical resistance.

**Active resistance** refers to overt physical actions intended to prevent a deputy's control, but that does not attempt to harm the deputy.

**Assaultive behavior** is represented by conduct that suggests the potential for human injury. Such behavior may be conveyed through body language, verbal threats and/or physical actions.

**Aggravated active aggression** refers to subject actions that will potentially result in serious injury or death to a deputy or any other person.

#### **Principles of Control:**

##### **Non-physical:**

1. **Deputy presence** is the psychological impact of an authority figure.

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2. **Verbal direction or redirection** refers to verbiage or commands given by a deputy.
3. **Display of firearm** refers to the drawing and/or pointing of a firearm.

**Drawing and pointing of a firearm:** Deputies may draw, and point, a firearm when they reasonably believe, based on the totality of the circumstances, that lethal force may be necessary to defend against a threat of death or serious injury to the deputy or to another person; or 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.

### **Physical:**

1. **Less lethal force** refers to forms of force not likely to inflict serious injury. Less severe than intermediate or lethal force. Less lethal force includes:

**Hands-on control** is used as a means of overcoming resistive or assaultive behavior. Soft hand control may be used to control subjects whose behavior does not demand more severe tactics. Hard hands control, powerful hand or leg strikes, etc., are techniques used to control more assaultive suspects.

**Less Lethal Control devices** including the use of batons, WRAP, Cord Cuff restraints, etc., when used for restraint, joint locks or come along tactics.

2. **Intermediate force:** refers to forms of force capable of inflicting significant pain and causing serious injury. Intermediate force is less severe than lethal force. Passive or active resistance to arrest alone does not constitute an immediate threat justifying the use of intermediate force. Intermediate force includes:

**Hard intermediate weapons** including saps, batons, and flashlights when used to deliver strikes.

**Intermediate munitions** used for long range impact and electronic immobilization devices also fall within the intermediate weapon's category.

**Chemical agents** may be used when there is an immediate threat to the safety of the deputy or others; AND either:

- the offense committed is sufficiently severe to justify the use of intermediate force; or
- the suspect is actively resisting arrest; or
- attempting to flee

**Canines:** when used to arrest or detain a suspect by physically contacting a subject.

### **Conducted Energy Devices**

3. **Lethal force:** refers to any force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

*Deputies may only use lethal force when they reasonably believe, based on the totality of the circumstances, that lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person; or 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.*

In situations where lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person, deputies may use any method of force which is necessary and objectively reasonable to neutralize the threat in defense of human life.



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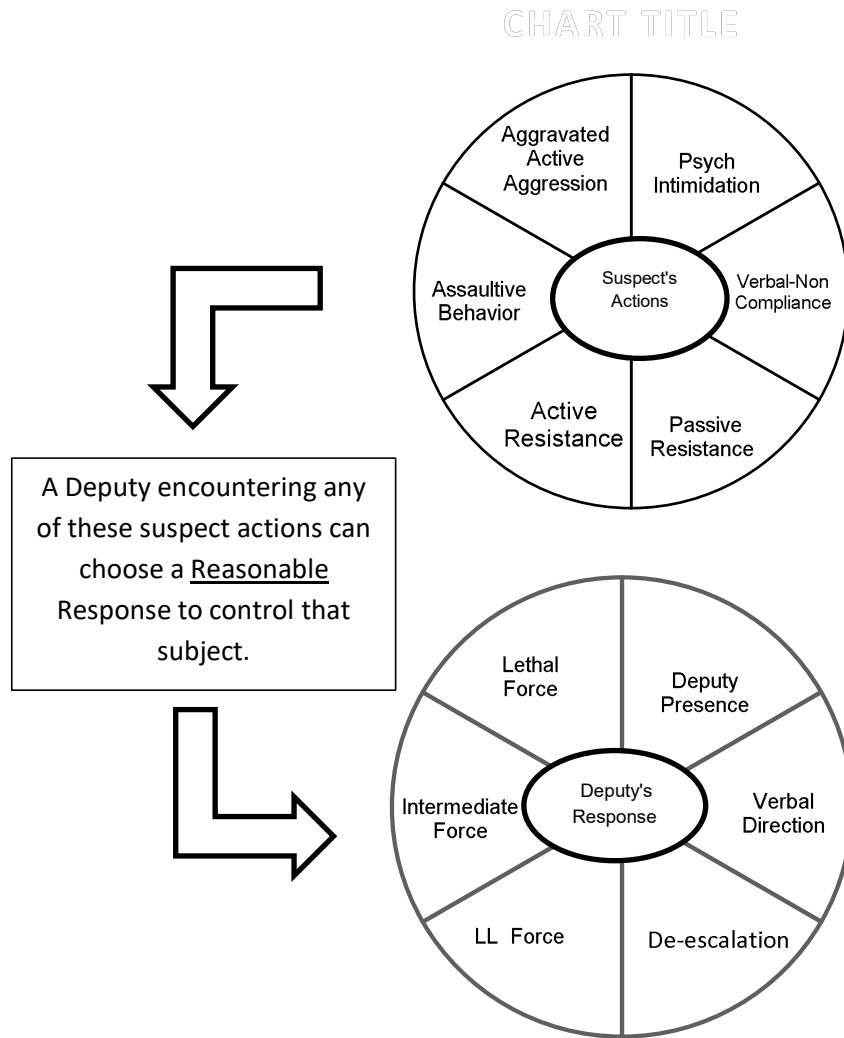
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The Use of Force Options Chart is a visual representation of various force options commonly available and is not intended to be all-inclusive. Ultimately, evaluation of the situation, knowledge of options and good judgement must prevail in determining the level of force that is reasonable and necessary for the given situation.

Factors that will affect a deputy's choice of force options include but are not limited to:

- A subject's age and physical stature
- Demonstration of pugilistic intent
- Physical condition and/or injuries to the subject
- The Deputy's knowledge of other factors representing imminent danger
- The number of subjects and/or deputies
- The subject's state of sobriety
- Subject's proximity to weapons
- Availability of options for deputies
- Pregnant
- Physical, mental, or developmental disabilities

USE OF FORCE OPTIONS CHART -- VARIABLES: LEAST AGGRESSIVE TO MOST SEVERE



When a subject is cooperative, verbalization may be a viable control technique. Verbalization techniques include advising, persuading and warning. A deputy with a physical position of advantage and a mature, professional attitude and appearance, may use verbalization techniques to prevent escalation of a situation. These techniques include:

- Clearly explaining what you want the subject to do
- Explaining any actions about to be taken
- Allowing a subject to save face in front of peers
- Recognizing that a subject's remarks are not a personal attack

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Deputies should attempt to de-escalate confrontations by using verbalization techniques prior to, during and after any use of physical force. Commands should be given in clear, concise terms, i.e., "don't move," "slowly raise your hands over your head." **Keep it simple.**

### **Arm guidance and firm grip:**

When verbalization proves ineffective, arm guidance or a firm grip may suffice to overcome resistance. Arm guidance or a firm grip that results in injury requires documentation.

### **Sudden Death Syndrome (SDS):**

After physical confrontation some subjects may be at risk of sudden death. Such prisoners may be suffering from drug-induced psychosis, genetic psychosis or excited delirium. These prisoners may exhibit some of the following symptoms:

- Tremors
- Convulsions
- Seizures
- Delirium
- Hallucinations - visual (seeing things), tactile (feeling bugs on the skin), auditory (hearing voices).
- Assaultive behavior
- "Superhuman" strength
- Dilated pupils
- Paranoia
- Non-purposeful behavior, meaningless acts (e.g. licking windows)
- Rapid, slow or irregular pulse rate
- Hyperthermia - high body temperature, sweating
- Confusion
- Yelling or screaming incoherently
- Thrashing after being restrained

A subject who exhibits symptoms of drug-induced psychosis or excited delirium should be immediately evaluated by a physician at an approved hospital.

The decision whether to transport a prisoner by a patrol car or paramedics should be based on the deputy's judgement as to which option will provide the fastest access to advanced life support and professional medical care. If paramedics provide transport, and the prisoner has been arrested for a felony, is known to have priors for escape or was arrested for a misdemeanor crime of violence then a deputy shall ride in the ambulance with the prisoner. If the prisoner has committed a wobbler, a misdemeanor or an infraction then a deputy may follow the ambulance but must remain in visual contact with the ambulance. If the subject is transported in a Sheriff's vehicle, when practical two deputies will make the transport. The passenger deputy should monitor the subject's breathing, skin tone and level of consciousness.

### **Chemical agents:**

Department issued Oleoresin Capsicum (OC) spray and irritant filled projectiles are the only chemical agents to be carried and utilized by authorized department personnel, with the exception of agents deployed by SED.

The irritant filled projectile munitions system with OC/water filled projectiles will be carried and deployed by deputies trained in the system. Although the irritant filled projectile munitions are listed as a specialty munition in this guide, the OC filled projectiles have far less potential for injury than other specialty munitions.

OC is used to subdue subjects by spraying the agent onto the face. In order to be effective, the active ingredient must come in contact with the eyes and mouth. The spray should not be aimed directly at the eyes. The force of the stream leaving the projector could damage the soft tissue of the eye. The agent should be just as effective if the bridge of the nose or the chin is targeted. OC may not be effective from less than three feet.

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Professional staff will complete a department approved training curriculum before being issued canisters of less than 2.5 ounces of OC. Professional staff may use OC in a self-defense posture only.

Chemical agents may be used when there is an immediate threat to the safety of the deputy or others; AND either:

- the offense committed is sufficiently severe to justify the use of intermediate force; or
- the suspect is actively resisting arrest; or
- attempting to flee

The decision to use chemical agents on handcuffed prisoners must be carefully weighed. Chemical agents are intended to reduce, limit or prevent injuries when lesser force options would not likely be effective in allowing a deputy to gain control of the subject. Chemical agents will not be used on a restrained prisoner who is verbally abusive but not violent.

Some of the common deployment errors made when using chemical agents are:

- No tactical plan prior to deployment
- Spraying too close
- Spraying too long and too much
- Not moving while spraying
- Missing your target
- Moving in too soon
- Cross contamination
- No other force option considered

It is the responsibility of the deputy deploying chemical agents to ensure that appropriate decontamination measures are undertaken as soon as practical after application. The subject should be handcuffed prior to decontamination because the duration of incapacitation will vary depending upon the type of agent used and the individual's reaction to the agent. Avoid placing the subject in a prone position any longer than necessary to complete the handcuffing process. Instruct the subject to calm down and relax.

Move the subject to an uncontaminated area. If a fan is available, you may direct the airflow over the subject's face. Place the fan at a safe distance. Flush the face with cool water keeping in mind that the water may reactivate the agent in some instances. Continually monitor the subject for any abnormal reactions to the agent. Any unanticipated reaction requires immediate medical attention. If otherwise normal effects of agent exposure persist beyond forty-five minutes, medical attention must be obtained.

If there is any doubt as to the nature of the reaction, seek medical attention. You must notify your supervisor as soon as practical but no later than the end of shift following the application of chemical agents.

### **Transporting after application of OC spray**

If the subject is transported in a Sheriff's vehicle, the deputy will monitor the subject's breathing, skin tone and level of consciousness. Any abnormal or questionable physical presentation demands immediate medical attention.

### **CONTROL COMPLIANCE TECHNIQUES**

When a deputy needs to make an arrest or restrain an in-custody subject and the individual's actions are actively resistant or; assaultive, reasonable compliance techniques such as arm locks, wrist locks, pressure point tactics (touch & penetrating pressure, non-striking), and baton compliance techniques (non-striking) may be necessary to obtain control and compliance. Control compliance, as identified above, are considered less lethal.

### **Swarm Technique:**

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When a deputy needs to make an arrest or restrain an in-custody subject and the individual's actions are actively resistant and/or assaultive, the swarm technique may be used. This technique is accomplished by a group of deputies working in unison, using their combined body weight to gain control of a resisting subject.

The swarm technique requires preplanning and a coordinated, simultaneous effort by all involved deputies. The "swarm technique" reduces the risk of injury, while allowing maximum control. The swarm technique should not be attempted on a suspect/inmate who is believed to be armed. Physical contact should not be made until all means of verbal control have been exhausted or proved otherwise ineffective and a sufficient number of deputies are present.

When using the swarm technique, one deputy shall be designated as the "safety deputy" if feasible. The safety deputy's sole responsibility is to monitor the health and safety of the subject being restrained. If at any time during the incident, the safety deputy determines the subject may be in immediate physical distress, such that the subject may suffer serious bodily injury or death, the safety deputy shall immediately intervene to render aid and/or seek emergency medical assistance.

### **Striking techniques:**

Striking techniques are those techniques that a deputy employs using personal body weapons, i.e., fists, hands, arms, elbows, legs, head, feet and knees. Strikes are techniques in which injury may occur. There is no expectation for a deputy to receive the first strike before employing striking techniques; however, the deputy must articulate the necessity and reasonableness for striking first. Unorthodox tactics such as head butting may be used to escape grappling holds when other personal body weapons are otherwise trapped by the attacker.

### **Hand techniques, Fists:**

Punching techniques may be necessary when a suspect/inmate is assaultive, or the subject exhibits signs of imminent physical attack. A fist strike to a subject's face when reasonable and necessary is not prohibited; however, it is preferable to use an open hand (palm heel) technique to reduce the likelihood of injury to the deputy's hand and subject's face.

### **Kicking/Knee Strike techniques:**

Kicking techniques such as front or rear kicking motion may be appropriate when a subject is judged to be assaultive.

Knee strikes may be used to facilitate a takedown on an actively resisting subject. The physical structure of the leg is generally stronger and may have greater impact capability than the arm, hand or fist. When using a kicking or knee strike technique, deputies should fully consider the reasonableness and necessity for doing so.

As with impact weapons, deputies should avoid hitting/kicking/kneeing a subject's head, neck, heart, spine, kidney and groin due to the potential for serious injury or death. Striking these areas should be avoided unless the subject's actions suggest an imminent threat of death or serious injury to the deputy or others and no reasonable alternatives are available.

### **Carotid Restraint:**

The carotid restraint is a method of rendering a subject unconscious by restricting the flow of blood to the brain by compressing the carotid sheaths on the side of the neck. The use of the carotid restraint is prohibited.

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### **EQUIPMENT USED IN FORCE TECHNIQUES**

#### **Cordcuff/Ripp Restraint Device:**

The Cordcuff /Ripp restraint is typically made of a length of nylon strap approximately one-half inch wide and forty inches in length. It has a loop on one end and a brass snap at the other. Safe application of the cord cuff restraint generally requires two deputies.

The Cordcuff restraint is for use around a subject's ankles to prevent kicking, or around the subject's waist to prevent transferring cuffed wrists from the back to the front of the body. The leg restraint may be used when the subject's hands are handcuffed behind his/her back and the handcuffs are double locked. Caution must be used when applying the cord cuff leg restraint. **Under no circumstances will a deputy apply the Cordcuff leg restraint to the head or neck of a subject.** When applying the Cordcuff restraint, one deputy is responsible for the application and a second deputy is responsible for controlling the subject.

The Cordcuff / Ripp restraint device may be used on violent subjects who, by kicking, pose a threat to themselves, others, or to equipment. Additionally, it may be used in lieu of leg chains to hobble subjects who present an escape risk.

The "maximum restraint technique" is used on violent subjects that are not controlled by other means. Application of maximum restraint entails the use of at least two Cordcuff / Ripp restraint devices. This application results in restricted movement of both the hands and feet.

When maximally restraining a subject, one deputy shall be designated as the "safety deputy" if feasible. The safety deputy's sole responsibility is to monitor the health and safety of the subject being maximally restrained. If at any time during the placement, the safety deputy determines the subject may be in immediate physical distress, such that the subject may suffer serious bodily injury or death, the safety deputy shall immediately intervene to render aid and/or seek emergency medical assistance.

**As soon as possible after a subject is maximally restrained, the subject will be rolled onto their side or into a seated position. The arresting deputy must continually monitor the subject for consciousness and breathing.**

#### **Transporting:**

If the subject is transported in a Sheriff's vehicle, when practical, two deputies will make the transport. The passenger deputy should monitor the subject's medical condition to include but not limited to breathing, changes in skin tone, and level of consciousness.

#### **Reporting Procedures:**

The arresting deputy will verbally notify his/her immediate supervisor as soon as possible but no later than the end of shift. The deputy's written report will include all pertinent facts relative to the use of the Cordcuff restraint technique as well as notification of a supervisor.

#### **WRAP Restraint Device:**

The WRAP restraint device may be used on violent subjects who, by kicking, pose a threat to themselves, others, or to equipment. Additionally, it may be used in lieu of leg chains to hobble subjects who present an escape risk.

The WRAP restraint device may be used on violent subjects that are not controlled by other means. Application of the WRAP restraint device results in restricted movement of both the hands and feet.

Following the application of the WRAP restraint device, the subject shall be rolled onto their side or into an upright, seated position as soon as possible.

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When placing a subject in the WRAP restraint device, one deputy shall be designated as the "safety deputy" if feasible. The safety deputy's sole responsibility is to monitor the health and safety of the subject being placed into the restraint device. If at any time during the placement, the safety deputy determines the subject may be in immediate physical distress, such that the subject may suffer serious bodily injury or death, the safety deputy shall immediately intervene to render aid and/or seek emergency medical assistance.

### **Transporting:**

If the subject is transported in a Sheriff's vehicle, when practical, two deputies will make the transport. The passenger deputy should monitor the subject's medical condition to include, but not limited to, breathing, changes in skin tone and level of consciousness.

### **Reporting Procedures:**

The arresting deputy will verbally notify his/her immediate supervisor as soon as possible but no later than the end of shift. The deputy's written report will include all pertinent facts relative to the use of the WRAP restraint device as well as notification of a supervisor.

### **Restraint chairs:**

Restraint chairs are located in court and detention facilities. These chairs may be used to control people who are violent and require maximum restraint. Restraint chairs are not to be used to secure a compliant, nonviolent person.

### **Reporting procedures:**

When a restraint chair is used in a detention setting, supervisory approval is necessary, and documentation must clearly articulate the justification. The chairs must be in a location permitting constant observation by staff.

### **Spit Sock:**

Because of the inherent health risks, deputies may deal with spitting assaults / attacks on persons or property by use of a department approved "Spit Sock." The current department approved, Stearns Wear Spit Sock is a light weight, sheer, protective mesh material. When placed over a subject's head and face, neither vision nor breathing is impaired; however, saliva will not penetrate the material. No other items, materials or objects are authorized for placement over a subject's head or face. Spit Socks are not reusable and must be discarded after normal use or entered into evidence for situations as described below.

Only one Spit Sock at a time may be placed on a subject. If the Spit Sock becomes saturated, damaged and/or ineffective, the Spit Sock will be removed prior to placement of another Spit Sock. Personal protective equipment (PPE) should be used by deputies during replacement of a Spit Sock. The saturated, damaged or ineffective Spit Sock shall be photographed and placed into evidence.

When possible, application of the Spit Sock should be accomplished by two deputies. One deputy will maintain constant observation of the subject. A subject's mouth and/or nose shall never be obstructed. **The Spit Sock will not be tightened in any manner to secure the mask around the prisoner's neck.** If signs of medical distress develop, the deputy shall remove the Spit Sock and seek immediate medical attention.

### **Reporting procedures:**

Justification for use or replacement of the Spit Sock must be articulated in detail in the arrest or other appropriate reports. If force is used during the application of the Spit Sock, a SO-120 will be submitted with the report. If a spit sock is placed on a person who is not resisting and force is not used when applying the spit sock and no other force was used during the contact, it is not considered a use of force and the SO-120 is not required. However, the reason for the application of the Spit Sock shall be explained in the arrest report, deputy report or ISR narrative.

### **Conducted Energy Device (CED):**

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The CED is an intermediate force option. The CED is an electronic control device that is extremely effective for temporary immobilization of subjects. The CED produces 50,000 volts of electricity that cause involuntary muscle contraction and temporarily incapacitates a subject.

As a force option, the CED shall only be used as a means of subduing and gaining control where there is an immediate threat justifying an intermediate level of force. Use of the CED shall be restricted for use under circumstances where it is deemed reasonable and necessary to minimize the potential for human injury.

Only deputies trained in the use of a CED will deploy the device. If possible, only one device should be deployed against a single suspect/inmate.

A subject who has been contacted by a CED is typically immobilized within two to three seconds. Cover deputies should move in quickly and restrain the subject while he/she is under control of the CED. The subject's recovery time should be rapid.

### **Precautions:**

CEDs are considered less lethal and may have contributed to subject/inmate deaths, so care must be exercised in their use. The CED should not be aimed at a subject's head, neck, heart or groin, nor should it be used when a subject is in danger of falling from a significant height. Deputies should evaluate whether the use of the CED is appropriate based on the subject's age (children, elderly) or physical condition (i.e. under the influence, physically handicapped, pregnant) versus the level of threat posed by the subject.

Deputies shall only use the shortest duration of CED exposure objectively reasonable to accomplish lawful objectives, and reassess the subject's behavior, reaction and resistance before initiating or continuing the exposure. Multiple applications or continuous cycling of a CED resulting in an exposure longer than 15 seconds (whether continuous or cumulative) may increase the risk of serious injury or death and should be avoided if possible. Multiple cycles must be reasonable to gain control of a suspect/inmate. If the CED is ineffective, deputies should consider alternative control measures. Deputies will not use a CED on a restrained suspect/inmate who is under control.

The CED may be used in "drive-stun" mode (placing the unit in direct contact with the suspect/inmate) if reasonable to protect the deputies or others from injury and to gain control of the suspect/inmate, however, caution should be used to avoid the subject gaining control of the CED. The CED should not be intentionally placed against the suspect/inmate's face, neck, head, or groin.

The CED can ignite flammable liquids (gasoline or alcohol based chemical sprays). Current issue Defense Technology OC is non-flammable and will not ignite.

### **Medical Treatment:**

Once the suspect/inmate is handcuffed and under control, deputies shall immediately monitor for the signs and symptoms discussed previously under "Sudden Death Syndrome." The suspect/inmate should be rolled onto their side or into a seated position and be continually monitored for consciousness and breathing.

All suspects will be transported to a medical facility for booking clearance after all probe or drive-stun applications and removal of the CED probes. Probes may be removed by paramedics at the scene to facilitate transportation. If the suspect is transported in a Sheriff's vehicle, when practical, two deputies will make the transport. If used in a detention setting, detention facility medical staff shall be contacted to initiate a medical evaluation of the subject. The CED probes shall be removed by detention medical staff and the subject shall be examined by a physician as soon as practical.

### **Reporting procedures:**



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The arresting deputy will verbally notify his/her immediate supervisor as soon as possible but no later than the end of shift. The deputy's written report must include all pertinent facts relative to the use of the CED, including the CED factory serial number, and notification of a supervisor. CED activation information shall be downloaded and attached to the Use of Force Report in NetRMS.

**Warnings:** In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance.

### **Stun Belt/ "Bandit":**

The Stun Belt, "Bandit" (or similar electronic technology) is an electronic control device that is placed on a subject who presents significant risk of escape or assaultive behavior, typically during transportation or court proceedings. The device may be activated by remote control. Once activated, the device delivers 50,000 volts of electricity over a period of eight seconds. The stun belt, "Bandit" or similar device must be approved for deployment by a supervisor.

### **Precautions:**

Electronic control devices are considered less lethal and care must be exercised in their use. A subject receiving a charge is likely to lose balance and fall to the ground. Reasonable precautions should be exercised to reduce the potential for injury.

### **Medical Treatment:**

Once control has been established all inmates shall be immediately rolled onto their side or into a seated position and monitored for consciousness and breathing. All inmates shall be immediately evaluated by emergency medical personnel and transported to a medical facility for examination by a physician.

### **Reporting Procedures:**

Deputies must verbally inform their supervisor as soon as practical, but in no event later than the end of shift when the stun belt has been activated. The deputy's written report must include all pertinent facts relative to the use of the stun belt and notification of a supervisor.

### **Electronic Immobilization Shield:**

The electronic immobilization shield is a riot shield equipped with conductive strips which can deliver electricity in order to incapacitate a subject in the same manner as electronic devices previously described. The device is used to drive back or pin violent subjects, usually in a detention setting. The electronic immobilization shield must be approved prior to deployment by the watch commander or designee.

### **Precautions:**

The electronic immobilization shield is considered less lethal and care must be exercised in its use. A subject receiving a charge is likely to lose balance and fall to the ground. Reasonable precautions should be exercised to reduce the potential for injury.

### **Medical Treatment:**

Once control has been established all inmates shall be immediately rolled onto their side or into a seated position and monitored for consciousness and breathing. The inmate shall be immediately evaluated by detentions medical staff and examined by a physician as soon as practical.

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### **Reporting Procedures:**

Deputies must verbally inform their supervisor as soon as practical, but in no event later than the end of shift when the electronic immobilization shield has been activated. The deputy's written report must include all pertinent facts relative to the use of the electronic immobilization shield and notification of a supervisor.

**Warnings:** In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance.

### **Impact Weapons and Control Devices:**

Impact weapons are those devices used primarily for striking and are used secondarily for control hold techniques. Control devices are used primarily for control hold techniques and secondarily for striking. Deputies equipped with any type of impact weapon or control device must be certified competent with the instrument by the Defensive Tactics Coordinator or their designee.

The decision to use an impact weapon as a striking device must be based upon the seriousness of the threat and the deputy's reasonable belief that the deputy cannot overcome the resistance or assault, or gain compliance of the subject, by use of lesser force options. Once a decision is made to use impact tactics, the deputy must remain mindful of injuries that may be caused by the impact weapon if used on bones or joints. Deputies should generally start with strikes to muscle mass. If muscle strikes prove ineffective, deputies may find it necessary to escalate to striking bones and joints. Other factors to be considered are the subject's age, physical stature and condition, state of sobriety, proximity to weapons, etc.

Deputies should avoid hitting a subject's head, neck, heart, spine, kidney or groin due to the potential for serious injury or death. Striking these areas should be avoided unless the subject's actions suggest an imminent threat of death or serious injury to the deputy or others and no reasonable alternatives are available.

### **Department approved equipment:**

- Fixed rigid side handle baton
- Fixed rigid straight baton (department issued)
- Expandable batons -- straight or side handles (optional)
- Flashlight
- Sap, flat beavertail (optional)

**\* Note: The Orcutt Police Nunchaku "OPN" is no longer authorized/approved equipment and is prohibited for use by the Department.**

### **Specialty Munitions:**

Specialty munitions are projectiles used as intermediate force options, force capable of inflicting significant pain and causing serious injury but force less severe than lethal force. Generally, it is the intent of law enforcement to use this type of specialty munition to increase the chances of not having to use lethal force. When used properly, by trained personnel, this type of specialty munition is less likely to result in death or serious injury.

### **Specialty Munitions in the Sheriff's inventory include:**

- 12-gauge bean bag munitions
- 40 mm impact munitions
- Rubber ball grenades
- Irritant filled projectile systems

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### **Procedures:**

"Trained" personnel may use specialty munitions as deemed reasonable and necessary based upon the circumstances of the incident. Absent exigent circumstances, the Watch Commander or designee shall be notified prior to deployment of specialty munitions in the detention setting.

### **Reporting procedures:**

Deputies must verbally inform their supervisor as soon as practical, but in no event later than the end of shift when specialty munitions have been deployed. The deputy's written report must include all pertinent facts relative to the use of the specialty munitions and notification of a supervisor.

It is suggested that photographs be taken to accurately depict the scene, damage and any injury that occurs as a result of the deployment of specialty munitions.

### **Injury or Death:**

**Whenever a subject is struck by a specialty munition, first aid will be administered, if necessary. Any abnormal or questionable physical presentation demands immediate medical attention.**

In the event of death caused by a specialty munition, Department personnel will follow the procedures set forth in section 8.2 of the Sheriff's Department Manual of Policy and Procedures and in the detentions setting, section M.7 of the Detentions Services Policy and Procedure.

### **Canines:**

Law enforcement trained canines are a viable intermediate force option when employed under the direction of their handlers according to the department's Canine Unit Manual. Canines are typically used in search scenarios, for deputy protection and for apprehension of fleeing subjects wherein this degree of force is justifiable. Canines certified and approved for department use may be used under the following circumstances:

- For the protection of the handler, other law enforcement officers and citizens
- To locate, apprehend or control a felony suspect when it would be unsafe for the deputies to proceed into the area
- To locate, apprehend or control armed misdemeanor suspects
- To search for narcotics
- For crowd control
- For the protection of deputies during prisoner movement
- Article searches

### **Firearms / Deadly Force:**

**DEPUTIES SHALL USE DEADLY FORCE ONLY AFTER THE DEPUTY REASONABLY BELIEVES THAT THE FORCE USED IS NECESSARY:**

- In defense against an imminent threat of death or serious bodily injury to the deputy or to another person; or
- 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

When using deadly force, a deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

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**A deputy shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person. Thus, deadly force may not be used on a person who poses only a danger to themselves.**

Detailed guidelines are found in Department P&P 8.1.

### **USE OF FORCE POLICY REVIEW:**

The Use of Force Policy Review committee will meet annually, and as needed, to review and update the Use of Force Policy and Procedure. The In-Service Training Lieutenant will chair this committee. The committee should consist of subject matter experts from LESB, DSB, CSB, HRB and Sheriff's Legal. Any proposed changes must be coordinated through the Division of Inspectional Services.

### **DEFINITIONS:**

The following terms apply only to the San Diego County Sheriff's Department Use of Force Manual.

**Arm Guidance** is the light touching of a person's arm or elbow used to direct them to a new location. Arm guidance with no resistance from the subject being guided would not be considered a use of force and consequently not reportable.

**Controlling force** is the minimum amount of force needed to control a subject who will not submit to verbal commands. This level of force involves application of control/pain which usually does not result in injury.

**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 officer or another person.

**Lethal/Deadly force** is that force that creates a substantial risk of causing death or serious bodily injury.

**Imminent :** A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer 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 peace officer or another person. 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.

**Physical force** is that force applied to overcome resistance and/or achieve compliance, including any use of a department approved lethal, less lethal or non-lethal weapons, pain compliance and control techniques.

**Reasonable force** refers to affecting an arrest using only that force reasonable for restraint of the subject and to get the subject to submit to custody.

**Serious injury** means a serious impairment of physical condition, including but not limited to 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. (PC 243(f)(4))

**Excessive force** means a level of force that violates California state law or the United States Constitution. Excessive force is evident when the type, degree or duration of force employed were not objectively reasonable.

**Weapon** for the purpose of these guidelines is any item, other than a body part, capable of inflicting bodily injury or death. These include firearms, saps, batons, taser guns, bean bag shotguns, irritant filled projectile munitions, etc.