MESSAGE FROM THE SHERIFF

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

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

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

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

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

Law Enforcement Code of Ethics

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

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

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

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

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

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

MISSION AND VISION STATEMENTS

MISSION STATEMENT

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

VISION STATEMENT

A modern approach to traditional law enforcement values;

Total enforcement on crime and criminals;

Total care for victims, witnesses and the community;

Total professionalism, through training and by example

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or

(b) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or

(c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.3 CONSTITUTIONAL REQUIREMENTS

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

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Oath of Office

104.1 PURPOSE AND SCOPE

Deputies of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

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

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

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Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.1.1 DISCLAIMER

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

106.2 RESPONSIBILITIES

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

106.2.1 SHERIFF

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Policy Directives which shall modify those provisions of the manual to which they pertain. Policy Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 SENIOR COMMAND STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff
- The Captain from each division

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

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106.2.3 OTHER PERSONNEL

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

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

106.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of El Dorado.

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

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

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

May - Indicates a permissive, discretionary or conditional action.

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

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

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

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

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Rank - The job classification title held by a deputy.

Shall or will - Indicates a mandatory action.

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

USC - United States Code

106.3.3 DISTRIBUTION OF MANUAL

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

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

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

106.4 MANUAL ACCEPTANCE

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

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Training coordinator will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

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Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

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

200.2.1 SUPPORT SERVICES DIVISION

The Support Services Division commanded by a Captain whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of Technical Services, Radio Shop, Central Dispatch, Records Section, Property and Evidence, Civil, Coroner, Vehicle Abatement, Training, Range, Personnel, Background Investigations and the Professional Standards Unit.

200.2.2 OPERATIONS DIVISION

The Operations Division commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol, Community Services Officers assigned to this division, Armory, Investigations Section, Crime Analysis Unit, Office of Emergency Services, and Forensic Services.

200.2.3 CUSTODY DIVISION

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

200.2.4 ADMINISTRATIVE DIVISION

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

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200.3 COMMAND PROTOCOL

200.3.1 UNITY OF COMMAND

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

200.3.2 ORDERS

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

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INFORMATION BULLETIN

201.1 PURPOSE AND SCOPE

In order to improve administrative and Office-wide communication the "Information Bulletin" has been created. It should decrease current Office-wide or group emails that are not screened or approved by the Office of the Sheriff.

201.2 POLICY

The Information Bulletin will be used periodically to announce and document various activities or information that may be helpful to all staff members. Examples of information which may be distributed are as follows:

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

All information bulletins are managed and distributed by the Sheriff's Executive Secretary.

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Chain of Command

203.1 PURPOSE AND SCOPE

The chain of command is the formal channel that determines authority, responsibility and communications. The chain-of-command relationship is viewed as a series of superior/subordinate relationships. Starting at the top of the organization and progressing down to the field, the managerial chain of command can be viewed as a pyramid. Each individual is (or should be) subject to the direct command of only one superior.

203.2 POLICY

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

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

(b) To ensure good order and the coordination of department business, orders and instructions shall be communicated downward through the chain of command to respective operational components.

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

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

OPEN DOOR POLICY

Our management philosophy provides that Sheriff, Undersheriff, and all managers and supervisors will have an open door policy for all of our members. The open door policy provides members that opportunity to contact any level of supervisor/manager, etc., for the discussion of philosophies, personal problems, and general contact with those leaders where contact is not otherwise available. The open door policy is not for avoiding or sidestepping the chain of command or bypassing immediate supervisors. Each manager and supervisor is charged with responding to all members with any issue particular to the member, but not with day to day issues. As many issues may combine personal issues with day to day issues, the supervisor/manager will refer a member to the appropriate individual for any issues pertinent to day to day issues.

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Policy Directive

204.1 PURPOSE AND SCOPE

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

204.1.1 POLICY DIRECTIVE PROTOCOL

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

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

Any Policy Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first Policy Directive for the year 2008.

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 SHERIFF

The Sheriff shall issue all Policy Directives.

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Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Sheriff's Office, the Sheriff or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

206.2.1 RECALL OF PERSONNEL

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

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

206.3 LOCATION OF MANUALS

The manual for the employees is available in Administrative Services and the Shift Sergeant's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

206.4 UPDATING OF MANUALS

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

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Training Policy

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.3 OBJECTIVES

The objectives of the Training Program are to:

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

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

(c) Provide for continued professional development of department personnel

208.4 TRAINING PLAN

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

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

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

208.6 TRAINING COMMITTEE

The Training coordinator shall establish a Critical Incident Team/Training Committee, which will serve to assist with identifying training needs for the Department.

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

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

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

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

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

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

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

208.7 TRAINING PROCEDURES

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

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

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

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

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Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 E-MAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF E-MAIL

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

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

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

212.4 PERSONAL USE OF E-MAIL

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

212.5 UNION USE OF E-MAIL

Union members may use the Department e-mail for Union business so long as:

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

(b) The subject line of the e-mail shall read: "Association Business";

(c) All e-mail usage shall be consistent with this policy and the El Dorado County Computer and Network Resource Usage Policies.

212.6 MANAGEMENT OF E-MAIL

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

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Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 DEPARTMENT E-MAIL

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

214.3 CORRESPONDENCE

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

214.4 SURVEYS

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

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Concealed Weapon License

218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

218.1.1 APPLICATION OF POLICY

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

218.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

(a) Be a resident of the County of El Dorado.

(b) Be at least 21 years of age.

(c) Fully complete the State of California, Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), FD4012 (06/02).

(d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character.

(f) Show good cause such as "Personal Protection" or "Self Defense" for the issuance of the license.

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon.

(i) Complete required training.

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

218.3 APPLICATION PROCESS

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

218.3.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a concealed weapon shall first fully complete a uniform Concealed Weapons License Application to be signed under

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penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 26180(a) and (b)).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph or Computer Voice Stress Analyzer (CVSA) examination.

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the County of El Dorado for the required application fee.

1. The application fee does not include any additional fees required for training or psychological testing.
2. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6(a) or (b) (Penal Code § 26170).

(c) The applicant shall be required to submit one (1) full set of fingerprints, to be submitted to the Department of Justice (DOJ) for a complete criminal background check. The applicant will be required to be digitally photographed at time of appointment. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code § 29800 or 29900 or Welfare and Institutions Code § 8100 or 8103 may be issued a license to carry a concealed weapon.

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

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within ninety (90) days of he initial application or within thirty (30) days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later (Penal Code §26205).

218.3.2 PHASE TWO

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

(a) Upon successful completion of phase one, the applicant may be scheduled for a personal interview with the Sheriff or authorized designee during which there may be further discussion of the applicants statement of good cause and any potential reasonable restrictions or conditions that might be placed on the license.

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

(c) The Sheriff may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed

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weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.

(d) The applicant shall complete an eight (8) hour course of training approved by the agency minimally including firearms safety and the laws regarding the permissible use of a firearm.

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

(f) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the Sheriff' Office Armorer/Rangemaster or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The costs of any outside inspection/examination shall be the responsibility of the applicant. This requirement may be deemed satisfactorily completed by condition listed in section (d) of 218.3.2 above if part of training course.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a concealed weapon will ether be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 26205).

218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON

The authority to issue a limited business license to carry a concealed weapon to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150. Therefore, such applicants may be referred to the Sheriff for processing .

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

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

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

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

(d) Any application for renewal or re-issuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides.

218.5 ISSUED CONCEALED WEAPONS PERMITS

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

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(a) The license will not be valid outside the state of California except in those states that honor licenses to carry a concealed weapon issued in California. It is the duty of the licensee to confirm the legality of carrying a concealed weapon in a state other than California.

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

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

(c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, description of weapon, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.
2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer upon demand.

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

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

(e) The licensee shall notify the Sheriff's Office in writing within ten days of any change of place or residence. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

218.5.1 LICENSE RESTRICTIONS

(a) The Sheriff may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him or herself as a peace officer.
3. Unjustified or unreasonable displaying of a weapon.
4. Committing any crime.
5. Being under the influence of any alcoholic beverage.
6. Interfering with any law enforcement officer's duties.
7. Carrying a weapon is not authorized when the holder of the permit is under the influence of any narcotics, or any other medications which can impair judgement.
8. Refusing to display his/her license or weapon for inspection upon demand of any peace officer.

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(b) The Sheriff reserves the right to inspect any license or licensed weapon at any time.

(c) Any ammunition carried in a weapon licensed to be carried concealed, may be inspected and approved by the Sheriff's Office Amorer/Rangemaster or Sheriff's Office approved armorer.

(d) The alteration of any previously approved weapon without approval of the Sheriff or his designee including, but not limited to adjusting trigger pull, or other mechanical modifications shall void any license and serve as grounds for revocation. Changing sights or adding laser sights are acceptable changes.

218.5.2 AMENDMENTS TO LICENSES

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

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

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

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

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

218.5.3 REVOCATION OF LICENSES

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

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

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

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

(d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license

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

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

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

218.5.4 LICENSE RENEWAL

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

(a) Verifying all the information submitted in the original application under penalty of perjury.

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(b) Taking an authorized training course of no less than four (4) hours including firearms safety and the laws regarding the permissible use of a firearm.

(c) The applicant may be required to submit any weapon to be considered for a license to the Sheriff's Office Armorer/Rangemaster or other Sheriff's Office approved armorer for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the Sheriff's Office Armorer/Rangemaster or provide proof of successful completion of another Sheriff's Office approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

(d) Payment of a non-refundable renewal application fee.

NOTE: Exception to the ninety (90) day requirement may be made for certain hardships.

Once the Sheriff or authorized designee has verified the successful completion of renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within thirty (30) days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code § 26205).

218.6 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

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

218.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, magistrate, commissioner or judge contained in any application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in any application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

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Retired Deputy CCW Endorsements

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired deputies of this department.

220.2 QUALIFIED RETIREES

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

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

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

220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card, the retired deputy shall (Penal Code § 26305):

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

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

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

220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 United States Code 926C and Policy Manual § 312.8, qualified retired deputies of this department may be authorized to carry a concealed weapon in other states.

220.5 IDENTIFICATION CARD FORMAT

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

(a) Photograph of the retiree.

(b) Retiree's name and date of birth.

(c) Date of retirement.

(d) Name and address of this department.

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

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(f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement under Penal Code § 25470 for any deputy retired from this department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Shift Sergeant when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

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

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

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

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

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

220.6.1 SHIFT SERGEANT RESPONSIBILITY

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

(a) Take appropriate steps to promptly look into the matter.

(b) If warranted, contact the retiree in person and advise him/her in writing of the following:

1. The retiree's CCW endorsement is immediately and temporarily revoked.
2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.

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3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.

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

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

(f) The Shift Sergeant should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.

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Donation / Gift Acceptance Policy

221.1 PURPOSE AND SCOPE

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

221.1.1 POLICY

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

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

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

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Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall a deputy be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to deputies or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the member at the time.

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the member.

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

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

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

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

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

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

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 CAROTID CONTROL HOLD

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

(a) The member shall have successfully completed department-approved training in the use and application of the carotid control hold.

(b) The carotid control hold may only be used when circumstances perceived by the member at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm members, him/herself or others.

(c) Although not absolutely prohibited, deputies should give additional consideration to the totality of the circumstances before applying the carotid control hold and if the circumstances indicate that other available options reasonably appear ineffective, or would present a greater danger to the deputy, the subject or others, and the member reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics

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or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The member shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any member attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the member in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) A member may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) A member may use deadly force to stop a fleeing subject when the member has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the member reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the member or another.

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.5 REPORTING THE USE OF FORCE

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

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300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

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

(c) The individual indicates intent to pursue litigation.

(d) Any application of an EMDT or control device.

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

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

(g) An individual was struck or kicked.

(h) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

(a) Obtain the basic facts from the involved members. This will be considered a routine contact in the normal course of duties.

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

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(c) Separately interview the subject(s) upon whom force was applied.

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

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

(f) Review and approve all related reports.

(g) The supervisor should complete and route a notification of a potential claim through thier chain of command.

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

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

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Restraint Devices

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

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

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

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

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee. Detainees should be restrained in the least restrictive manner that is effective for the deputy and detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, deputies or others (Penal Code § 3407; Penal Code § 6030).

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306.3.3 RESTRAINT OF JUVENILES

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

306.3.4 NOTIFICATIONS

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit

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hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

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

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

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

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

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

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

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting

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deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

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

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

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

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

(c) Observations of the suspect's behavior and any signs of physiological problems.

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

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.1.1 WHEN DEVICES MAY BE USED

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

308.2 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.3 RESPONSIBILITIES

308.3.1 SHIFT SERGEANT RESPONSIBILITIES

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

The Shift Sergeant shall review all uses of control devices to ensure use is within policy guidelines.

308.3.2 ARMORER/RANGEMASTER RESPONSIBILITIES

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

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

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308.3.3 USER RESPONSIBILITIES

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

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

308.4 BATON GUIDELINES

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

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

308.5 TEAR GAS GUIDELINES

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

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

308.6 OLEORESIN CAPSICUM (OC) GUIDELINES

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

308.6.1 OC SPRAY

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

308.6.2 PEPPER PROJECTILE SYSTEMS

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

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

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

308.6.3 TREATMENT FOR OC SPRAY EXPOSURE

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

308.7 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.7.1 DEPLOYMENT AND USE

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

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

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

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

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

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

308.7.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider the following factors:

(a) Severity of the crime or incident.

(b) Subject's capability to pose an imminent threat to the safety of deputies or others.

(c) If the subject is actively resisting arrest or attempting to evade arrest by flight.

(d) The credibility of the subject's threat as evaluated by the deputies present, and physical capacity/capability.

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(e) The proximity of weapons available to the subject.

(f) The deputy's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of deputy (s) versus subject(s).

(g) The availability of other force options and their possible effectiveness.

(h) Distance and angle to target.

(i) Types of munitions employed.

(j) Type and thickness of subject's clothing.

(k) The subject's actions dictate the need for an immediate response and the use of control devices appear appropriate.

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

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

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

308.7.3 SAFETY PROCEDURES

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

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

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

308.8 TRAINING FOR CONTROL DEVICES

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

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

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

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

308.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Electro-Muscular Disruption Technology Guidelines

309.1 PURPOSE AND SCOPE

The Electro-Muscular Disruption Technology device (EMDT) device is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects. This policy applies to all sworn members, correctional officers and security officers who are issued EMDTs.

309.2 POLICY

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

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

When the EMDT device is carried as part of a uniformed deputy's/correctional officer's equipment, the EMDT device shall be carried on the side opposite the duty weapon.

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

(b) Whenever practicable, deputies/correctional officers should carry a total of two or more EMDT device cartridges on their person when carrying the EMDT device.

(c) Deputies/correctional officers shall be responsible for ensuring that their issued EMDT device is properly maintained and in good working order at all times.

(d) Deputies/correctional officers should never hold both a firearm and the EMDT device at the same time.

309.3 VERBAL AND VISUAL WARNINGS

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

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and practical under the circumstances, the deputy/correctional officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the EMDT device) or the laser in a further attempt to gain compliance prior to the application of the EMDT device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the deputy/correctional officer deploying the EMDT device in the related report.

309.4 USE OF THE EMDT

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

309.4.1 APPLICATION OF THE EMDT

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

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

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

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

309.4.2 TARGETING CONSIDERATIONS

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

309.4.3 MULTIPLE APPLICATIONS OF THE EMDT

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

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

(a) Whether the probes are making proper contact.

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

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

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

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309.4.4 ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall notify a supervisor of all EMDT discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.4.5 DANGEROUS ANIMALS

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

309.4.6 TASER® CAM™

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the deputy intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

309.5 DOCUMENTATION

Deputies shall document all EMDT discharges in the related arrest/crime report and the EMDT report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

309.5.1 RECERTIFICATION

Any deputy/correctional officer assigned a department issued EMDT shall complete an annual recertification with the EMDT. The recertification shall be conducted by a department authorized EMDT instructor.

309.6 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove EMDT probes from a person's body. Used EMDT probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by EMDT probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The EMDT probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

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Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

309.7 MAINTENANCE AND RECORDING

(a) Supervisors shall ensure that printouts of EMDT downloads are maintained in their respective divisions.

309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the EMDT may be used. A supervisor should respond to all incidents where the EMDT was activated.

A supervisor should review each incident where a person has been exposed to an activation of the EMDT. The device's onboard memory should be downloaded through the data port by a supervisor or Armorer/Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

Personnel who are authorized to carry the EMDT shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the EMDT as a part of their assignment for a period of six months or more shall be recertified by a department-approved EMDT instructor prior to again carrying or using the device.

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

Command staff, supervisors and investigators should receive EMDT training as appropriate for the investigations they conduct and review.

Deputies who do not carry EMDTs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training coordinator is responsible for ensuring that all members who carry EMDTs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of EMDTs during training could result in injury to personnel and should not be mandatory for certification.

The Training coordinator should ensure that all training includes:

(a) A review of this policy.

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

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

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

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

(f) De-escalation techniques.

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

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Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

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

310.2 INVESTIGATION RESPONSIBILITY

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

310.3 TYPES OF INVESTIGATIONS

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

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

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

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

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

310.4 JURISDICTION

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

310.4.1 EL DORADO COUNTY SHERIFF'S OFFICE DEPUTY WITHIN THIS JURISDICTION

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

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

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

310.4.3 EL DORADO COUNTY SHERIFF'S OFFICE DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation

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of the suspect(s) to another agency. The El Dorado County Sheriff's Office will conduct timely civil and/or administrative investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

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

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

310.5 THE INVESTIGATION PROCESS

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

310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).

  1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.

(c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.

  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any deputy(s), the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.

(e) Provide all available information to the Shift Sergeant and Central Dispatch. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

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(g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.
2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to the station by other deputies.

310.5.2 SHIFT SERGEANT DUTIES

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

310.5.3 NOTIFICATIONS

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

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

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

310.5.4 MEDIA RELATIONS

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

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

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

310.5.5 INVOLVED OFFICERS

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

(a) Any request for department or legal representation will be accommodated, however, no involved deputy shall be permitted to meet collectively or in a group with an attorney

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or any representative prior to providing a formal interview or report (Government Code § 3303(i)).

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

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

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

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

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

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

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

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

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Detective Bureau supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.6.2 CRIMINAL INVESTIGATION

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

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

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

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

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

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

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

310.6.3 REPORTS BY INVOLVED OFFICERS

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

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

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

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

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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

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

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

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

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

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential peace officer personnel file.

(a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))

(c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy'(s) physical and psychological needs have been addressed before commencing the interview.

2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview) (Government Code § 3303(g)).
4. The deputy shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
5. The administrative interview shall be considered part of the deputy's confidential personnel file.
6. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.8 AUDIO AND VIDEO RECORDINGS

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

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

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

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Officer Involved Critical Incident Protocol

311.1 FORWARD

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

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

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

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

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

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

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

311.2 DEFINITIONS

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

1. Intentional and accidental shootings, including police tactical incidents involving specialized response teams.

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

   (b) Excluding any vehicle fatality which involves:
      1. Off-duty non-sworn police employees who are not at the time of the Incident acting for an actual, apparent or purported law enforcement purpose;
      2. Solo vehicular collisions in which the only injury is suffered by a police employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle;

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

1. Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty, and whether acting for law enforcement or a private purpose at the time of the Incident.
2. Full-time unsworn employees who are on-duty at the time of the Incident, or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident
3. Part-time unsworn employees: same as number 2 above.

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

(c) **Actors:**

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

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

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

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

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

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

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

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

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

311.3 INVOCATION OF THIS PROTOCOL

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

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

   (a) Examples:

   1. a fatality which is not covered by this Protocol
   2. an officer-involved incident where the injuries are not fatal
   3. any other sensitive or critical event involving a police employee where criminal conduct is a possibility to be investigated.

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

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

311.4 INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES:

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

311.4.1 CRIMINAL INVESTIGATIONS

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

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

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

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

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

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

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

(d) Walk €š Through:

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

(e) Venue Determination:

1. When an Incident occurs in part in two or more jurisdictions, each of those jurisdictions is a Venue Agency.
2. When an Incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute the Venue Agency(ies) shall be:
   (a) The Employer Agency if the Actor is employed by either boundary agency.
   (b) Both boundary agencies if Actors are employed by both.
   (c) The agency which has the greater interest in the case by virtue of having the predominant police involvement in the Incident or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction.
3. For custodial deaths, the agency having custody of the person at the time his/her distress was first discovered is a Venue Agency. Also a Venue Agency is the one within whose jurisdiction any fatal stroke was inflicted.
   (a) If the death was caused by conduct which was apparently criminal, the lead Venue Agency is one within whose geographical jurisdiction the act occurred. If there is apparently no criminal conduct involved in the cause of death, the lead Venue Agency is the one having custody of the victim when distress was first discovered. If the death occurs in a jail, the Sheriff will be the lead agency. Note: It will be at the discretion of the Sheriff, to activate the Critical Incident Protocol to investigate deaths within the jail. At minimum, a representative from the District Attorney's Office will respond and work with Sheriff's investigators.
4. If an on-duty police officer (sworn) is involved as the Actor in an Incident which occurs within the jurisdiction of another Member Agency, and if that officer was acting in the performance of his/her duty at the time of the Incident, the/a Venue Agency may elect to relinquish its role in the Criminal Investigation to the other Task Force agencies.
5. When a Venue or Employer Agency lacks sufficient resources, or when it believes it cannot properly investigate an Incident for another reason, it has two options:
   (a) Obtain criminal investigative assistance from other Member Agency(ies). Borrowed officers would then be assigned to the Criminal Investigation Task Force as members of the requesting agency.
   (b) Relinquish criminal investigative responsibilities to another Member Agency or to the California Department of Justice.

(f) **Vehicle collision Incidents:**

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1. Accidental collision fatalities shall be investigated by Task Force criminal investigators, joined by accident investigation specialists from the California Highway Patrol (CHP) or from another agency. The accident investigation specialists have the primary responsibility for documentation, collection and preservation of physical evidence.
2. If the fatality results from a collision that was not accidental (e.g. use of "enforcement intervention" techniques), OR if vehicle movement was merely incidental to a fatality which was caused by non vehicular means, the accident investigation specialists may be used by the Task Force for that phase of the investigation, but their role will be limited to investigation of physical movement of the vehicle(s) and to collision reconstruction.

(g) **Scene security:**

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

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

1. The Task Force Team has the responsibility for documentation of the scene(s) and for the collection, preservation and analysis of physical evidence except in some vehicular fatalities (See Section 311.4.1(f)(1)). The Task Force investigator has the discretion to request assistance from the CSI Unit. The Task Force investigator has the ultimate responsibility for the collection of evidence.
2. The Venue or Employer Agency(ies) may be requested by the Task Force investigator to furnish officers to assist with evidence and scene documentation, collection and preservation. Officers so involved will work under the direction of the venue agency's lead investigator, and or CSI lead investigator. Prior to final relinquishment of the scene, the Task Force investigators and the criminalist (and CHP investigators when applicable) will provide the Administrative Investigators an opportunity to assess the need for further evidence processing.

(i) **Notifications:**

1. Upon identifying an occurrence as an Officer Involved Critical Incident, the Venue Agency(ies) shall make the following notifications as promptly as possible to:
2.
   (a) Intradepartmental officers, as required by that agency's procedures
   (b) The Employer Agency, if applicable and if not yet aware
   (c) The District Attorney's On Call Deputy District Attorney and investigator, the Placerville Police Department, and the South Lake Tahoe Police Department (directly by telephone, or through Dispatch)
   (d) For vehicular collision deaths, the California Highway Patrol or another agency (See Section 311.4.1(f)(1) and (2)). The California Highway Patrol should be notified through a supervisor at the appropriate field office: South Lake Tahoe (530) 577-1001 (public); (530) 577-3436 (confidential); Truckee Communication Center (530) 582-7550; Placerville

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Area 622-1110 (public); CHP Dispatch (530) 622-7550 (confidential); Sacramento Communications Center (916) 861-1299

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

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

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

1. Emergency life saving measures have the first priority.

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

   (a) Locate, obtain, preserve, safeguard and maintain the chain of custody for all physical evidence.

   (b) Obtain a dying declaration (Evidence Code 1242); a spontaneous statement (Evidence Code 1240); a contemporaneous statement (Evidence Code 1241); a statement of then existing or previous mental or physical state (Evidence Code 1250, 1251).

   (c) Maintain custody of the person if he/she has been arrested.

   (d) Provide information to medical personnel about the Incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.

   (e) Identify relevant people, including witnesses and medical personnel.

   (f) Be available for contacts with the victim's family, if appropriate.

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

   (a) Access to the scene(s) must be limited to only those criminal investigators who must enter for an investigative purpose.

   (b) A written log will be established as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.

   (c) When not needed for life saving efforts, entry by fire and ambulance personnel should be restricted to the absolute minimum necessary to perform the needed duties.

   (d) No items shall be moved inside the scene(s) or removed from a scene without approval of the Task Force or the CSI leader unless absolutely necessary for public or officer safety or for preservation of evidence. If removal without approval is necessary, the removal must be witnessed and logged. The log shall state the identity of the person removing the described object, the reason for removal, a witness to the removal, and the time of removal. The item should be photographed prior to removal.

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4. If any type of weapon or instrument was involved in the fatal incident, the supervisor at the scene will promptly see to the security and/or collection of such items, as follows:
   (a) If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
   (b) If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed in place prior to removal if possible.
   (c) If an involved officer still has personal possession of a weapon he/she used in the Incident, the shift supervisor at the scene shall promptly but discretely (i.e. in private, out of view of the public and other officers, at office if possible) obtain possession of the weapon. Sidearms must not be removed from their holsters; obtain the entire gun belt if necessary to avoid removing the weapon from its holster. Sidearms should be replaced by the supervisor as quickly as possible, unless reason dictates otherwise.
   (d) In shooting cases, the shift supervisor, under the direction of the lead investigator, will check the firearms of all officers who were present at the time of the Incident to ensure that all discharged firearms are identified and collected, and to specifically document those weapon's which were not fired.
   (e) The shift supervisor officer collecting any weapon or instrument will make note of its readily visible general description and condition, the appearance and the location of any trace evidence adhering, to the extent these observations can be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer, and the identity of the person or location from which the weapon or instrument was received shall also be recorded.
   (f) In firearms cases, the shift supervisor will also (see 5. above) make note of whether the firearm is cocked, has its safety "on" or "off", has its hammer back, any apparent jamming of either fired or unfired ammunition; the location and position of the weapon's magazine (e.g. fully or partially inserted, completely separate from the firearm, missing, etc.), to the extent possible without removal of the weapon from its holster (See Section 311.4.1(j)(4)(c)).
      1. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
      2. If the firearm is cocked (or if a semiautomatic pistol cannot be determined to be cocked or not), the safety may be put "on" by the shift supervisor, who must make note of that fact. If the firearm's hammer is back, it may be lowered but note must be made of that fact.
      3. Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence and shall otherwise maintain the chain of evidence.
      4. Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the shift

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supervisor and that officer shall handle them minimally to preserve the exact state of the weapon or instrument when received.

5. The collected weapons or instruments may be transferred to the lead Task Force investigator, pending delivery to the Criminal Laboratory at D.O.J. It should be noted, at the discretion of the Venue Agency, the involved firearm may be unloaded at the scene. No loaded firearms will be delivered to D.O.J without prior D.O.J. knowledge and approval.
6. If the shift supervisor at the scene was him/herself an Actor or Victim in the Incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved supervisor or the next in-line uninvolved officer at the scene.
7. Twelve rounds of the same type(s) of ammunition fired will be collected by the criminal investigators from each shooting officer (or from another appropriate source if the officer has insufficient similar rounds remaining).
8. Firearms which do not need to be retained in evidence, as determined by the criminal investigators, will be returned to a designated representative of the Employer Agency promptly after the Criminalistics Laboratory has inspected and tested them.

5. Any other physical evidence at the scene which is in danger of being contaminated, destroyed or removed must be promptly and effectively observed, recorded and then protected for subsequent collection. Evidence adhering to live participants (such as blood stains), footprints and fingerprints, volatile substances, various types of trace evidence, and firearms discharge evidence, are examples.

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

1. Officers who were present at the scene at the time of the Incident, whether Actors or Witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to their own police station unless other suitable and agreeable arrangements are made for them. Officer(s) not involved in the Incident shall be assigned to accompany these officers, either in a group or individually. Actors should be driven to the station by an uninvolved officer.
2. If circumstances prohibit removal of all witnessing and involved officers from the scene at once, those officers who were Actors should be relieved first.
3. An uninvolved officer shall remain with the involved officers, either in a group or individually, until they can be interviewed. The sequestering officers are present to ensure the officers have privacy that their needs are accommodated, and to ensure the integrity of each officer's later statements to investigators. They should not be present during confidential (privileged) conversations (See Section 311.4.1(n)(1)(i)(2)).
4. Involved officers are not to discuss the case among themselves, with sequestering officers, or with others except their representatives.
5. While awaiting interviews, involved officers are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.

(l) **Custodial Death scenes:**

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

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

1. Selection of the primary investigator(s) by the Task Force Agencies is of great importance. Generally, the best available investigator(s) should receive the assignment. These qualifications are important.
   (a) Experience in homicide investigations (or vehicular collisions, if applicable). Investigation experience in other crimes against persons is helpful. Generally, venue agency participants with homicide experience, should under normal circumstances conduct interviews of involved officers. Each agency has the discretion to defer involved officer interviews to other member agencies.
   (b) Ability to effectively interview people of various backgrounds.
   (c) Good working knowledge of physical evidence collection and preservation techniques, and an appreciation of the abilities and limitations of scientific evidence.
   (d) Good knowledge of police operational procedures and the criminal justice system.
   (e) Excellent report writing and communication skills.
   (f) Good organizational and supervisory skills.
   (g) Respected professionally by those with whom he/she works for being competent, thorough, objective, fair, and honest.

(n) **Interviewing Police Employees:**

1. The Public Safety Officers Procedural Bill of Rights ("The Act") (Government Code 3300 et seq.): (See Attachment B.)
   (a) This statute has limited application to many interviews conducted by Task Force interview teams:
      1. By statutory definition, The Act is applicable only to "Public Safety Officers" (which is defined in Section 3301 to include most peace officers except coroners and their deputies, and railroad police). Under this definition, The Act is not applicable to police agency employees who are not peace officers. However, by contract, MOU or otherwise, some police agencies have extended the application of The Act to their non-peace officer employees.
      2. The Act is not applicable to interviews with Public Safety officers who are being interviewed by other than their Employing Agency.
      3. Section 3303 of The Act (the section which pertains to the conditions and conduct of interrogations of peace officers) is not applicable to interviews with Public Safety officers (even when being interviewed by their Employing Agency) when the investigation is concerned solely and directly with "alleged criminal activities."
   (b) In interview situations where an involved officer is being interviewed by a Task Force interview team, AND when a criminal investigator from the involved officer's Employer Agency is part of that interview team, AND

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when the involved officer is "under investigation" AND when the interview "could lead to punitive action", the following options may be available:

1. Comply with the statute.
2. Do not comply with the statute on the grounds that the investigation is, "concerned solely and directly with alleged criminal activities."
3. Consult with Administrative Investigators regarding the possibility of the Employer Agency agreeing not to use the impending statement against the interviewee in any punitive action.
4. Reconstitute the interview team by excluding the criminal investigator from the Employer Agency.
5. The Employer Agency may also have the option of foregoing its right to impose administrative punitive action on the interviewee by allowing the interview to proceed without complying with the statute (i.e. "transactional immunity", see g. this page).
6. The granting of administrative "use immunity" or administrative "transactional immunity" to an interviewee is a serious and often complicated step that must be considered carefully. Early in the investigation, sufficient facts about the employee's conduct may not yet be available to allow an informed and correct decision to be made. Further investigation may reveal that any type of contemplated immunity is not warranted. The desired immunized statement may not actually be necessary or independent alternative means may exist to obtain the information. Authority within the Employer Agency to grant administrative immunity may need to be defined. When immunity is given, it must be carefully and narrowly defined in writing or on audio tape and agreed to by all effected parties.

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

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

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

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

(f) Interviews will be conducted separately.

(g) Interviews will normally be fully tape recorded.

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

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

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

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

(o) **Intoxicant Testing:**

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

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

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

(c) Obtain a search warrant.

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

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

2. **Administrative Investigation:**

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

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

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

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

(c) Miscellaneous:

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

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

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

(p) **Autopsy:**

1. At least one member of the Task Force shall attend the autopsy, as may a District Attorney's representative from the Task Force. Investigators representing other Task Force agencies may also attend. Attendance is to be coordinated by the Task Force investigator with the autopsy pathologist. Note: The Sacramento pathology group requests a limit of two law enforcement and, if involved by request, one criminalist.
2. The autopsy pathologist will receive a complete briefing prior to the post mortem examination. This briefing, which includes all information known to that time which may be relevant to the cause, manner and means of death shall be attended by at least one member of the Task Force.
3. In vehicular collision deaths the California Highway Patrol or other accident investigation specialists have the responsibility with assistance if appropriate from the Laboratory (See Section 311.4.1(f)(1) and (2)).
4. Although the Coroner has authority to determine who attends an autopsy, it is usually advisable to allow attendance by a licensed medical doctor or licensed private investigator, or by a recognized professional criminalist, who has been retained by representatives of the decedent.

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

1. The District Attorney's office has the following roles in Incident Investigations:
   (a) **D.A. Investigator:** Participate with and at the direction of the venue and employer agency(ies) and the California Highway Patrol (when applicable) in the Task Force performing the criminal investigation.
   (b) **Deputy D.A.:** Assist and advise the Task Force on various criminal law issues which may arise, such as Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses
   (c) Upon completion of the Criminal Investigation, analyze the facts of the Incident as well as the relevant law to determine if criminal laws were violated.
2. The District Attorney has its own separate investigative authority. When deemed appropriate by the District Attorney (or his designated alternate in his absence), the District Attorney's office may perform an independent investigation separate from the Task Force. This separate investigation shall not parallel the Task Force investigation. If deemed necessary, this independent investigation shall take place following the completion of the Venue Agency's investigation. This will help to avoid duplicate witness interviews and contamination of evidence. It is the responsibility of the Venue Agency to assign follow up investigation following the first 24 hours of the initial incident.

(r) **Report writing:**

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1. All criminal investigators will write reports documenting their participation in the investigation.
2. The investigators within each Task Force team will allocate and divide among themselves the responsibility for documenting interviews and observations.
3. The lead Venue Agency has the ultimate responsibility for report writing and for collecting reports from other agencies.
4. Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within 45 days after the Incident.

311.4.2 ADMINISTRATIVE INVESTIGATIONS

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

1. **Internal Affairs:** Determination of whether or not its employees violated departmental regulations.
2. **Agency Improvement:** Determination of the adequacy of its policies, procedures, programs, training, equipment, personnel programs and supervision.
3. **Government and Community Relations:** Informing itself of the Incident's details so it may adequately inform its parent governmental body, and so it may be responsive to comments about the Incident from the public and the media.
4. **Claims and Litigation:** Preparing for administrative claims and/or civil litigation that may be initiated by or against the agency.

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

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

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

(e) The Employer Agency should immediately assign at least one Administrative Investigator upon being notified of the Incident. This officer can function as a liaison between the Employer and the Task Force, can gather information for the

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Agency, and can be the Task Force's contact for personnel matters, even if no actual investigation is then warranted by that officer.

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

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

311.5 NEWS MEDIA RELATIONS

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

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

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

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

1. The lead Venue Agency has the responsibility for making press releases about the Incident and its investigation.
   (a) "Generally the identification of the involved officer(s) will not be released for at least 48 hours as determined through coordination with the employer agency."

2. The Employer Agency: If the Employer Agency is not also the Venue Agency, fewer problems will arise, especially at the early stages of the investigation, if the Employer Agency limits its comments to the following areas:
   (a) The employer-employee relationship
   (b) Factual material revealed by the Employer Agency's own Administrative Investigation of the Incident.
   (c) Any additional information to be referred to Venue Agency.

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

4. The Coroner's office: Release of information will generally be limited to the following:
   (a) Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.
   (b) The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).
   (c) The general nature of further medical testing or medical investigation to be done.
   (d) Information obtained by Coroner's investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Incident Investigators or from the involved agencies

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will not be released by the Coroner's office without prior clearance from those agencies.

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

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

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

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

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

311.6 ACCESS TO REPORTS AND EVIDENCE

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

(b) The material will include:

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

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

311.7 SUPERVISOR'S CHECKLIST

(a) ATTACHMENT "A"

1. The first priority: All life-saving attempts.
2. Request **additional patrol officers**, as necessary.
3. Assign **officer to ride in ambulance** with injured, with tape recorder if possible, for: (1) physical evidence protection, securing, recovery; (2) custody of arrestee; (3) aid and comfort to injured officer; (4) Spontaneous and other unsolicited statements; (5) information to and from medical personnel; (6) identifying medical personnel; (7) contact with civilian witnesses and victim's family at hospital.
4. Protect **sensitive investigative information**; caution on radio broadcasts. Use cellular phone when possible.
5. Have **notifications** made per departmental procedures: chain of command; DA; Lab; CHP (if applicable); Coroner; I.A.

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6. Ask involved officers **"what happened?"**: public safety/scene management questions only.
7. **Radio broadcasts** on outstanding suspects, vehicles, witnesses, etc.
8. **Collect perishable evidence** (e.g. GSR) from shooter(s) and victim(s) before transportation if delay is not life threatening.
9. Identify and secure all scenes (original felony); escape/chase route; fatal scene; collision scene; suspect vehicle; officer's vehicle; hospital; etc. Generous perimeters Prevent scene contamination. Adjust boundaries outward as necessary.
10. Limit entry into scene(s) to absolute minimum.
11. Have **scene log** started to record every entry and exit (who, when, why).
12. **Shooting officer(s) with guns in possession**: leave in holster, collect at appropriate time and place, in appropriate manner. Replace weapon ASAP if officer is unharmed and mentally stable. Don't open, or disturb condition or trace evidence. Secure weapon until transfer to Lab. Make note of the details of collection (when, from who, condition, adhering evidence, chain, etc). If scene secure, leave discarded weapons in place, untouched if safe.
13. **Check all firearms** of all witness officers. Make notes on each. Collect any which misfired or were fired.
14. **Following clearance from the lead investigator, have actor(s) and witness officer(s) taken to station** by independent officer(s). Order all not to talk about incident (except to counsel).
15. Have Actor(s) and Witness Officer(s) sequestered with independent/peer support officer until detective's interview.
16. Locate, identify in detail, and sequester civilian witnesses for detectives' interviews, as possible. If a "witness" won't stay, get detailed (taped) statements pinning down his/her knowledge or lack of knowledge.
17. Ok to **photograph without disturbing**, contaminating, or collecting, until Lab arrives.
18. Protect (and collect if necessary) physical evidence in imminent danger.
19. Start **area canvass** for; more witnesses; locating relevant vehicles/ weapons/ people/ etc.
20. Determine **what responding/ scene officers have learned** and what they've done.
21. Collect your information and thoughts to **brief investigators**.

311.8 TEAM ASSIGNMENTS

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

El Dorado County Sheriff's Office

El Dorado County District Attorney's Office

Placerville Police Department

South Lake Tahoe Police Department

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California Highway Patrol (When applicable)

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

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

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

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Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Sheriff or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by a Sheriff's Office Armorer. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

Note: Nothing in this policy prohibits the Sheriff or his designee from authorizing the use or employment of any other weapons system or ammunition based upon the needs of this Office.

The following weapons are approved for use by members of this department:

312.2.1 DUTY HANDGUNS

The Department will issue one of the following handguns to armed personnel:

Make	Model	Caliber
Glock	22	.40 S&W
Glock	23	.40 S&W
Glock	27	.40 S&W
Glock	21	.45 ACP

Only Detectives or Department administrative personnel who are assigned plain clothes assignments will be issued a Glock 27 (subcompact)

Personal weapons may only be carried if:

(a) The make, model and caliber is approved by policy or

(b) With prior approval of the Division Commander, and

(c) It has been inspected by a Department approved armorer, and

(d) The individual has Qualified with said firearm on a Department authorized range prior to it being carried.

All department issued handguns, or personally owned handguns authorized for duty, shall be considered "Duty Ready" when it has been inspected by the deputy/member and meets the following condition:

(a) The handgun has been inspected in the following areas:

1. The handgun is unloaded, magazine removed and round from the chamber extracted.
2. All ammunition is removed and the weapon is checked to ensure there is not a round in the chamber,

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3. The slide is locked to the rear and the weapon is visually and physically inspected to ensure it is unloaded,
4. The handgun is checked for defects or loose parts, which include the night sights,
5. The weapon is loaded (live round chambered) at the department authorized load/unload barrel or pointed down range in a safe direction on a Department approved range. All magazines are inspected to ensure they are loaded to capacity (15 rounds).

(b) The detailed inspection should be completed prior to commencing with any department assigned duties.

(c) Any abnormalities or defects shall be reported to the on-duty supervisor immediately. The weapon will be fixed immediately or the deputy will be issued a new firearm prior to commencing in their department assigned duties.

312.2.2 AUTHORIZED SECONDARY WEAPONS

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

(a) The weapon shall be of good quality and workmanship; i.e., Function reliability, consistency and accuracy

(b) The weapon will be provided by the deputy and owned and registered to the deputy.

(c) The weapon will be carried in such a way so as to not be overtly visible to the public.

(d) The weapon will be carried in a safe manner that will be demonstrated to the Rangemaster, who will have final approval for the weapon and method of carry.

(e) The ammunition carried will be Department issued unless the weapon is chambered for a cartridge not issued by the department. In those instances the ammunition will be provided by the deputy and will be of quality manufacture, subject to approval by the Rangemaster.

(f) Personnel must qualify with the secondary weapon on a course of fire approved by the Rangemaster. The qualification must be administered by ED SO Range Staff and completed with a qualifying score. The qualification will require Deputies to show proficiency with the weapon.

(g) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster

312.2.3 AUTHORIZED OFF-DUTY WEAPONS

The carrying of firearms by sworn deputies while off duty is permitted by the Sheriff, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn deputies who choose to carry a firearm while off duty will be required to meet the following guidelines:

(a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).

(b) The purchase of the weapon and ammunition shall be the responsibility of the deputy.

(c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) Ammunition should be of good quality.

(e) When armed, whether on or off duty, officers shall carry their badge and department identification.

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312.2.4 DEPARTMENT RIFLE/CARBINE

The Department may issue a Deputy a Department Rifle at the Departments discretion.

312.2.5 DEPARTMENT RIFLE/CARBINE POLICY - PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the El Dorado County Sheriff's Office will make Department rifles available to qualified sworn employees as an additional and more immediate tactical resource.

312.2.6 DEFINITION

A Department rifle is an authorized weapon which is owned by the Department or member and which is carried by properly trained and qualified personnel as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for Department use unless the make, model and caliber is approved by policy, it has been inspected by a Department approved armorer and the individual has qualified with said firearm on a Department authorized range prior to it being carried.

312.2.7 SPECIFICATIONS

Only firearms and ammunition that meet agency authorized specifications, approved by the Sheriff or designee, may be used by personnel in their law enforcement responsibilities. The authorized Department rifle issued by the Department is the Colt AR 15-style rifle in .223 Remington/5.56mm caliber, semi-automatic with detachable magazine.

Exception - SWAT team members may be issued a Department .308 Winchester rifle.

312.2.8 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of Department rifles shall be the responsibility of the member it is issued to. It is that member's responsibility to ensure it is clean, maintained and inspected annually by a Department approved armorer.

(b) Each member carrying a Department rifle may be required to field strip and clean an assigned Department rifle as needed.

(c) Each member shall be responsible for promptly reporting any damage or malfunction of an assigned Department rifle to a Department supervisor, rangemaster and or Armorer.

(d) Each Department rifle shall be subject to inspection by a supervisor, rangemaster and or armorer at any time.

(e) No modification shall be made to any Department rifle without prior written authorization from a Department approved armorer.

312.2.9 TRAINING

Personnel shall not carry or utilize the Department rifle unless they have successfully completed departmental training. This training shall consist of an initial 16-hour patrol rifle user's course and qualification score with a certified Department rifle instructor. members shall thereafter be required to successfully complete semi-annual qualification conducted by a certified Department rifle instructor.

Any member who fails to qualify or who fails to successfully complete department sanctioned training/qualification will no longer be authorized to carry a Department rifle without successfully retaking the initial user's course and qualification.

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312.2.10 DEPLOYMENT OF THE DEPARTMENT RIFLE

Personnel may deploy the Department rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

312.2.11 DISCHARGE OF THE DEPARTMENT RIFLE

The discharge of the Department rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

312.2.12 DUTY READY

Any qualified employee carrying a Department rifle in the field shall maintain the weapon in the "duty ready" until deployed. A rifle is considered "duty ready" when it has been inspected by the assigned deputy and meets the following conditions:

[redacted]

(g) Personnel shall carry only Department-issued ammunition in their Department Rifle.

312.2.13 DEPARTMENT ISSUED SHOTGUNS

(a) SPECIFICATIONS:

1. The Patrol Shotgun is the only authorized shotgun to be carried by members of The El Dorado County Sheriffs Department. The Patrol Shotgun will be a Remington 870 12 gauge shotgun customized with Van Comp Industries upgrades.

(b) [redacted]

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(c) [redacted]

[redacted]

(e) DISCHARGE OF THE PATROL SHOTGUN:

1. The discharge of the patrol shotgun shall be governed by the Department's Deadly Force Policy, Policy Manual 300.

(f) DUTY READY:

1. Any qualified member carrying a Patrol Shotgun in the field shall maintain the weapon in a "duty ready" status until deployed. A shotgun is considered "duty ready" when it has been inspected by the assigned deputy and meets the following conditions:
   (a) The shotgun has been inspected utilizing the B.E.E.F.S. method:
      1. Barrel- checked for cracks or bulges;
      2. Extractor- checked to ensure it is in proper working order;
      3. Ejector- Checked to ensure proper working condition;
      4. Firing pin- Checked to ensure proper functioning;
      5. Safety- Checked to ensure proper working order;
      6. Light- Checked to ensure proper working condition.
   (b) The chamber is empty.
   (c) The magazine tube is to be loaded with a minimum of four (4) rounds of department approved ammunition.
   (d) The safety is ON.
   (e) The shotgun is stored loaded in a locked rack inside the patrol vehicle.

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312.2.14 LESS-LETHAL DUTY SHOTGUNS

(a) The Department issued less lethal shotgun is a 12-gauge, Remington 870 with 18-inch rifle sighted barrel, upper receiver side-saddle ammunition carrier with an orange fore and butt stock.

(b) Only Department-approved and authorized less-lethal ammunition will be used in less lethal shotguns.

(c) No lethal shotgun ammunition shall be stored or used in or near the less-lethal shotgun.

(d) All members of the Department, who are authorized to carry the less-lethal shotgun, shall qualify annually with the weapon.

(e) All department members authorized to carry a less-lethal shotgun shall complete the department authorized training course. Such training shall be accomplished using certified less-lethal instructors.

312.2.15 ACCESSORIES

Accessories may be attached to personal and Department issued handguns or rifles.

Accessories shall only be installed on personally owned firearms by a certified gunsmith/armorer. Accessories shall only be installed on Department owned firearms by a Department Armorer.

(a) Accessories include:
    1. Modified grips
    2. Modified sighting systems (Night sights)
    3. Attached tactical lighting systems

(b) Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Armorer/Rangemaster.
    1. Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
    2. Once approved laser sights have been properly installed on any weapon, the deputy shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

(c) Except in an approved training situation, a deputy or correctional officer may only activate a laser sight when he/she would otherwise be justified in pointing a weapon at an individual or other authorized target.

(d) Magnification, electronic, holograph or other sighting devices or systems.
    1. Shall be in addition to a front and rear iron sighting system, not replacing them.
    2. An exception to this will be a Department issued SWAT team sniper rifle.

(e) The following criteria must be met when any Department weapon is modified (Accessories/parts added, removed, exchanged or altered)
    1. Department Armorer Staff is advised in advance.
    2. Department Armorer installs or alters part(s) at the range during Department authorized training/qualification.
    3. Following modifcation by Department Armorer:
        (a) The firearm must be tested with live ammunition for serviceability.

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(b) The deputy or correctional officer must qualify with the weapon.

312.3 SAFE HANDLING OF FIREARMS

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

312.3.1 SAFETY CONSIDERATIONS

(a) Department Personnel shall not unnecessarily display or handle any firearm.

(b) Personnel shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer/Rangemaster. Members shall not dry fire or practice quick draws except under Armorer/Rangemaster supervision.

(c) Any member who discharges his/her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their Division Commander prior to the end of shift . If off-duty, as directed by the supervisor.

(d) Members shall not load or unload any firearms inside the office/building unless at a firearms clearing barrel. Firearms loading and unloading is to be performed in the rear EDSO parking lot either at a clearing or with the muzzle pointed in a safe direction and performed out of public sight.

(e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.

(f) Personnel shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing deputy to make sure that persons from outside agencies do not enter the jail section with any firearm.

(g) Personnel shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.

(h) Any weapon authorized by the department to be carried on or off duty that is found by the member to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Armorer/Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Armorer/Rangemaster, will be immediately removed from service. If the weapon is the member's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

312.3.2 STORAGE OF FIREARMS AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Members shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

312.4 FIREARMS QUALIFICATIONS

All armed personnel are required to qualify quarterly with their duty weapon on an approved range course.

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(a) The Armorer/Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Sergeant.

(b) In addition to regular qualification schedules, the Armorer/Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations.

(c) At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

All sworn personnel who carry an authorized secondary handgun(s) are required to qualify annually with this handgun on an approved range course.

All sworn personnel who carry an authorized Patrol Rifle are required to qualify semiannually with the rifle on an approved range course.

All personnel whose duty assignment requires them to carry an authorized Department shotgun are required to qualify semiannually with a Department shotgun on an approved range course.

All personnel who are trained and currently qualified to carry a Department less lethal shotgun are required to recertify and qualify annually with a Department less lethal shotgun on an approved range course.

312.4.1 NON QUALIFICATION

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

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

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

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated

(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained

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

  1. Unauthorized range make-up
  2. Failure to qualify after remedial training

312.5 ARMORER/RANGEMASTER DUTIES

The range will be under the exclusive control of the Armorer/Rangemaster. All members attending will follow the directions of the Armorer/Rangemaster. The Armorer/Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any deputy to sign in and out with the Armorer/Rangemaster may result in non-qualification.

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

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

312.6 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

(a) All Department issued firearms should be inspected annually.

(b) All personnel who carry authorized personally owned firearm(s) on duty are required to have a certified gunsmith/armorer inspect this firearm annually. A copy of this certification/inspection must be provided to the Department armory staff for maintenance tracking. At a minimum this certification/inspection must show who performed the inspection, point of contact information for inspecting gunsmith/armorer, date inspection performed and serial number of the firearm.

312.6.1 REPAIR OR MODIFICATIONS OF DEPARTMENT OWNED DUTY WEAPONS

Accessories may be attached to personal and Department issued handguns or rifles.

Accessories shall only be installed on Department owned firearms by a Department Armorer.

Accessories include:

(a) Modified grips

(b) Modified sighting systems (Night sights)

(c) Attached tactical lighting systems

(d) Laser sights

1. Laser sights shall only be installed on a weapon carried on or off-duty after they have been examined and approved by the Armorer/Rangemaster.
2. Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
3. Once approved laser sights have been properly installed on any weapon, the deputy shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.
4. Except in an approved training situation, a deputy or correctional officer may only activate a laser sight when he/she would otherwise be justified in pointing a weapon at an individual or other authorized target.

(e) Magnification, electronic, holograph or other sighting devices or systems.

1. Shall be in addition to a front and rear iron sighting system, not replacing them.
2. An exception to this will be a Department issued SWAT team sniper rifle.

(f) A Department owned weapon shall only be modified (Accessories/parts added, removed, exchanged or altered) as follows:

1. Department Armorer Staff is advised in advance.

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2. Department Armorer installs or alters part(s) at the range during Department authorized training/qualification.

312.6.2 REPAIR OR MODIFICATIONS OF PERSONALLY OWNED DUTY WEAPONS

On personally owned firearms, accessories as described in Policy Manual Section 312.6.1 will only be installed by a certified gunsmith/armorer.

A copy of receipt for modification must be provided to the Department armory staff for tracking. At a minimum this receipt must show who performed the modification, point of contact information for gunsmith/armorer, date modification performed and serial number of the firearm.

312.6.3 REPAIR OR MODIFICATIONS OF DUTY WEAPONS - SAFETY INSPECTIONS

The following criteria must be met when any Department or personally owned weapon is modified (Accessories/parts added, removed, exchanged or altered):

(a) The firearm must be inspected and tested with live ammunition for serviceability by Department armorer/rangemaster.

(b) The deputy or correctional officer must qualify with the weapon.

312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Deputies must carry their Department identification card which must contain a full-face picture, the deputy's signature and the signature of the Sheriff or the official seal of the Department and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The El Dorado County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the El Dorado County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message to airport personnel as authorization to travel while armed on the day of travel.

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

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

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

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputies must keep the firearm concealed on his/her person at all

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times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Deputies should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.8 CARRYING FIREARMS OUT OF STATE

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

(a) The deputy shall carry his/her Department identification card whenever carrying such weapon.

(b) Qualified retired deputies shall also carry certification of having met firearms qualification within the past 12 months.

(c) The deputy is not the subject of any current disciplinary action.

(d) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The deputy will remain subject to this and all other Department policies (including qualifying and training).

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

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

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Vehicle Pursuit Policy

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. A Deputy's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 VEHICLE PURSUIT DEFINED

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

314.2 DEPUTY RESPONSIBILITIES

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

314.2.1 WHEN TO INITIATE A PURSUIT

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

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

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(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(f) Pursuing deputies familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources such as helicopter assistance.

(l) The sheriff's unit is carrying passengers other than sheriff's deputies. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in § 314.2.1 of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in § 314.2.1 of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle's location is no longer definitely known.

(c) Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

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(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Pursuit is terminated by a supervisor.

314.2.3 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the deputy.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

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

314.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Deputies in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to deputies using vehicles without emergency equipment.

314.3.2 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) Reason for the pursuit.

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(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants.

(f) The identity or description of the known occupants.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

314.3.3 SECONDARY UNITS RESPONSIBILITIES

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

(a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.

(c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.4 PURSUIT DRIVING TACTICS

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

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

    1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

    2. Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

    1. Requesting assistance from an air unit.

    2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.

    3. Requesting other units to observe exits available to the suspects.

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

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(e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

314.3.6 PURSUIT TRAILING

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

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

314.3.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

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(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage EDSO units when a pursuit enters another jurisdiction.

(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 SHIFT SERGEANT RESPONSIBILITY

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

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

314.5 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Central Dispatch will:

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Shift Sergeant as soon as practicable.

314.5.2 LOSS OF PURSUED VEHICLE

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

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts,

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should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) Safety of the pursuing deputies

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to officers from the allied agency including, but not

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limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the sheriff's unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

314.7.1 WHEN USE IS AUTHORIZED

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

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

314.7.2 DEFINITIONS

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

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

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

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

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

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

314.7.3 USE OF FIREARMS

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

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314.7.4 INTERVENTION STANDARDS

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

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those deputies trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well

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as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

314.7.5 CAPTURE OF SUSPECTS

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

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

314.8 REPORTING REQUIREMENTS

The following reports should be completed to comply with appropriate local and state regulations:

(a) The primary deputy shall complete appropriate crime/arrest reports.

(b) Pursuant to Vehicle Code § 14602.1(b), the primary deputy shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be reviewed by the Shift Sergeant and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:

1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the deputies involved.
2. The violation(s) that caused the pursuit to be initiated.
3. The identity of the deputies involved in the pursuit.
4. The means or methods used to stop the suspect being pursued.
5. The charges filed with the court by the district attorney.
6. The conditions of the pursuit, including, but not limited to, all of the following:
   (a) Duration
   (b) Mileage
   (c) Number of deputies involved
   (d) Maximum number of units involved
   (e) Time of day
   (f) Weather conditions
   (g) Maximum speeds

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7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
8. Whether the pursuit involved multiple agencies.
9. How the pursuit was terminated.

(c) After first obtaining available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit to his/her department manager. This memo should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and deputies
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination that the pursuit appears to be in compliance with this policy OR additional review and/or follow-up is warranted.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

314.8.2 POLICY REVIEW

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

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

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Deputy Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

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

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

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

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

316.3.1 NUMBER OF UNITS ASSIGNED

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

316.4 INITIATING CODE 3 RESPONSE

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

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316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

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

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

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

316.6 COMMUNICATIONS RESPONSIBILITIES

The dispatcher shall:

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

(b) Immediately notify the Shift Sergeant

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

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

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

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

316.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated

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

(c) Affected outside jurisdictions are being notified as practical

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

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

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

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions

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- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

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Canine Program

318.1 PURPOSE AND SCOPE

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

318.2 GUIDELINES FOR THE USE OF CANINES

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

(a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.

(b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

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

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

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

318.2.1 PREPARATION FOR UTILIZING A CANINE

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

(a) The individual's age or estimate thereof.

(b) The nature of the suspected offense.

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

(d) The degree of resistance or threatened resistance, if any, the subject has shown.

(e) The potential for escape or flight if the police dog is not utilized.

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

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

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

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

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

318.2.3 USE OF NARCOTIC-DETECTION CANINES

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

(a) To assist in the search for narcotics during a search warrant service.

(b) To obtain a search warrant by using the detection canine in support of probable cause.

(c) To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

318.2.4 GUIDELINES FOR NON-APPREHENSION USE

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

(a) Absent a change in circumstances that present an immediate threat to deputies, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.

(b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.

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

318.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever the police service dog is deployed, a Canine Use Report shall be completed by the handler and turned in to the Shift Supervisor before going off-duty.

Whenever the use of the canine results in a bite or any injury a Canine Use Report Form shall be completed and included with any related incident report.

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The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody a deputy should remain with the suspect until treatment has been rendered.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. It shall be the responsibility of the on-duty sergeant and/or Unit Coordinator/sergeant to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The on-duty sergeant and/or Unit Coordinator/sergeant will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department (Food and Agriculture Code § 31609(b)).

318.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Sergeant, Unit Coordinator Sergeant, and Unit Lieutenant.

Medical care for any injured canine shall follow the protocol established in § 318.6 et seq.

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

318.2.7 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Operations Division to supplement and assist the Patrol Bureau.

Canine teams should function primarily as cover units however; they may be assigned by the Shift Sergeant to other functions based on the needs of the watch at the time.

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

318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Unit Coordinator or the Shift Sergeant.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Sergeant or the Unit Coordinator/Sergeant must approve all requests for canine assistance from outside agencies, subject to the following provisions:

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

(b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

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(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of El Dorado unless authorized by the Shift Sergeant or the Unit Coordinator.

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

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator/Sergeant prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator/Sergeant or Lieutenant.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) El Dorado County Sheriff's Office deputy currently off probation

(b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates)

(c) Have a garage which can be secured and accommodate a canine unit

(d) Live within 30 minutes travel time from the El Dorado County limits

(e) Agree to be assigned to the position for a minimum of three years

318.4.1 ASSIGNMENT OF PERSONNEL

Assignment to the Canine Program is at the discretion of the Sheriff. A handler may be removed from the Program at any time if the work performance of the team falls below minimum standards.

(a) Once the canine is retired, Canine handler must request, through chain of command, approval to transition to another canine partner. The Sheriff and Division Commander have the discretion to allow the handler to remain in the unit and train another canine.

(b) In the event a handler is promoted, he/she must relinquish the Canine Program assignment, due to the daily requirements of the line supervisor. Promotion to Sergeant does not preclude assignment as the K-9 unit supervisor however. Handlers transferred to a position outside patrol must relinquish the handler position.

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

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(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view.

(c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Sheriff's Department facility.

(d) Handlers shall permit the Unit Coordinator/Sergeant or Lieutenant to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator/Sergeant or Lieutenant as soon as possible.

(f) When off-duty, canines shall be maintained in kennels at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator/Sergeant or Shift Sergeant.

(i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator/Sergeant or Shift Sergeant.

(j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

318.5.3 CANINE IN PUBLIC AREAS

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

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains habitable for the canine.

318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Unit Coordinator.

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Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator/Sergeant or Lieutenant or the Shift Sergeant as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

318.6.2 EMERGENCY MEDICAL CARE

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

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

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the POST or other recognized and approved certification standards.

The Unit Coordinator/Sergeant and/or the senior team handler shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

318.7.1 CONTINUED TRAINING

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

(a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator/Sergeant.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the El Dorado County Sheriff's Office.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator/Sergeant or Shift Sergeant.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine certification or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file. The Unit Coordinator/Sergeant shall have access to all training records and will prepare an annual

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training file to be presented to management staff. Once approved, the annual training records will be returned to the Unit Coordinator/Sergeant for retention.

318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator/Sergeant shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator/Sergeant is directly responsible to the Operations Division Commander. The Unit Coordinator/Sergeant shall be responsible for, but not limited to, the following:

(a) Review all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.

(b) Maintain liaison with the vendor kennel.

(c) Maintain liaison with administrative staff and functional supervisors.

(d) Maintain liaison with other agency canine coordinators.

(e) Maintain accurate records to document canine activities.

(f) Recommend and oversee the procurement of needed equipment and services for the unit.

(g) Be responsible for scheduling all canine related activities.

(h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

(a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency

(b) Provided the controlled substances are no longer needed as criminal evidence

(c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training

318.9.1 PROCEDURES

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

(a) All necessary controlled substance training samples shall be acquired from the El Dorado County Sheriff's Office's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance

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training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler

(b) The weight and test results shall be recorded and maintained by this department;

(c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency

(e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure

(f) The Canine Unit Coordinato/Sergeantr shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action;

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency

318.9.2 IMMUNITY

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

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Domestic Violence

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

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

320.2 POLICY

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

320.3 OFFICER SAFETY

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

320.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by

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a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Bureau in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

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

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

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1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

320.4.3 EMERGENCY PROTECTIVE ORDERS

(a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.07 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
2. Any deputy seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
3. Any deputy requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing his/her peace.
2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
3. Continuing a specified behavior as described in the order.

(d) Deputies investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An

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Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

(e) Deputies should consider requesting an EPO if any of the following conditions exist:

1. The victim requests an EPO.
2. The investigating deputy has grounds to believe that there is an immediate danger of continuing violence against the victim.
3. The investigating deputy or victim believes that the suspect may be able to make bail and the potential for further violence exists.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

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

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

320.5.1 RECORDING INJURIES AND STATEMENTS

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

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

320.6 DISPATCH ASSISTANCE

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

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

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320.6.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM

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

320.6.2 WRITTEN NOTICE TO VICTIMS

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

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

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

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

(d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint

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

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

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

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

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

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

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

320.6.3 DOMESTIC VIOLENCE SUPPORT

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

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

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

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

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

320.7 FOREIGN COURT ORDERS

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

320.7.1 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney

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General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.8 VERIFICATION OF COURT ORDERS

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

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

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

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

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

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

320.8.1 DEPUTY RESPONSIBILITY

If an incident arises where the deputy has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the deputy shall flag the report with the Detective assigned to Domestic Violence, giving all reasons the firearm or other dangerous weapon should remain in this agency's custody.

320.8.2 DOMESTIC VIOLENCE DETECTIVE RESPONSIBILITY

Once a deputy has referred a report indicating the reasonable cause to not return the firearm or other dangerous weapon, the detective shall forward the information to the Detective Sergeant for an authorization to petition the superior court.

Once the authorization has been received, the detective will contact the district attorney to begin the hearing process.

The detective will then generate the notice to the owner or person who had lawful possession of the firearm or other dangerous weapon. The notice will be sent registered mail, return receipt requested.

320.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

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

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1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests.

(c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

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

320.9.2 COURT ORDERS

(a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall carry copies of the order while on-duty and shall file a copy with the court as soon as practicable (Family Code § 6270 et seq.).

(b) At the request of the petitioner, a deputy at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

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(c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

320.9.3 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

320.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Deputies who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 33800; Family Code § 6389(c)(2)).

320.9.5 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

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Search & Seizure

322.1 PURPOSE AND SCOPE

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

322.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

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

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

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

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

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

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

322.4 SEARCH PROTOCOL

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

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(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the El Dorado County Sheriff's Office (42 USC § 5633).

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

Safety checks - Direct, visual observation personally by member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of inmates.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

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

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Shift Sergeant. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

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

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

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

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

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324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the El Dorado County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the El Dorado County Sheriff's Office (42 USC § 5633; Welfare and Institutions Code § 207.1(d)).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the El Dorado County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (42 USC § 5633; Welfare and Institutions Code § 206).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Status offenders shall not be held in secure custody (42 USC § 5633).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the El Dorado County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative which least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

324.5 ADVISEMENTS

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

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

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1(d)).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Holding Facility Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

324.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the El Dorado County Sheriff's Office (15 CCR 1150).

(c) Shift Sergeant notification and approval to temporarily hold the juvenile.

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(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the El Dorado County Sheriff's Office shall ensure the following:

(a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the El Dorado County Sheriff's Office more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the El Dorado County Sheriff's Office more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

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(i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

324.9 USE OF RESTRAINT DEVICES

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

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

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

324.10 PERSONAL PROPERTY

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

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

324.11 SECURE CUSTODY

Only juvenile offenders14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

(a) Age, maturity and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

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(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

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

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

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

324.11.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

(d) Unsceduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (Welfare and Institutions Code § 207.1(d); 15 CCR 1147; 15 CCR 1151).

    1. All safety checks shall be logged.

    2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

    3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the El Dorado County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Sheriff and Investigative Services Division Supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the County attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

324.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in his/her absence, the Shift Sergeant.

Any juvenile, 14 years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Shift Sergeant or Detective Bureau supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

324.15 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the El Dorado County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

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Adult Abuse

326.1 PURPOSE AND SCOPE

This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse. It is the policy of the El Dorado County Sheriff's Office to treat reports of adult abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspects.

326.2 DEFINITIONS

Definitions related to this policy include:

Adult Abuse - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

Dependent Adult - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

326.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

Notification should also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

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2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.

(c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.

(d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.

(g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.

(h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The Detective Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

326.3.1 RECORDS SECTION RESPONSIBILITY

The Records Section is responsible for the following:

(a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.

(b) Retain the original elder/dependent abuse report with the initial case file.

326.4 DEPUTY'S RESPONSE

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

326.4.1 INITIAL RESPONSE

Deputies may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

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326.4.2 STABILIZE THE SITUATION

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider taking the following actions:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.

(c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.

(d) Make on-scene arrests when appropriate. Deputies may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, deputies should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following persons should be considered for notification if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

326.5 ADULT ABUSE REPORTING

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim

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- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Deputies investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

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Discriminatory Harassment

329.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the County of El Dorado's commitment to provide a work environment free from unlawful discrimination, harassment and retaliation, to define discrimination, harassment and retaliation and to establish the procedure for reporting conduct believed to violate this policy. This policy also describes procedures for filing, investigating and resolving complaints of discrimination, harassment and/or retaliation.

The County of El Dorado is committed to a work environment in which all individuals are treated with respect and dignity. It is the responsibility of each and every employee, supervisor and manager, department head and elected official to refrain from conduct constituting unlawful discrimination, harassment and/or retaliation, to prevent such conduct from occurring in the workplace and to cooperate fully and truthfully with the investigation of complaints of discrimination, harassment and/or retaliation. Discrimination, harassment and retaliation are unlawful under federal and state law, and such conduct decreases work productivity and morale, and undermines the integrity of employment relationships. Therefore, complaints of discrimination, harassment and retaliation will be promptly, thoroughly and appropriately investigated and addressed.

El Dorado County is committed to eliminating unlawful discrimination, harassment and/or retaliation of any kind and to providing a workplace free of discrimination, harassment and retaliation. The County of El Dorado is committed to take all steps necessary to prevent unlawful discrimination, harassment and retaliation from occurring. This includes, but is not limited to, requiring managers and supervisors to take a proactive role in distributing, implementing and enforcing this policy, expressing strong disapproval for violating the policy, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of unlawful harassment, discrimination or retaliation, and developing methods to sensitize all concerned.

329.2 PROHIBITED CONDUCT: DISCRIMINATION, HARASSMENT AND RETALIATION

El Dorado County maintains a standard of zero tolerance for unlawful discrimination, harassment and retaliation whether verbal, physical or otherwise, and all employees are expected to conform to this policy of zero tolerance.

Unlawful discrimination, harassment or retaliation directed toward an applicant, employee, supervisor, manager, elected official, contract employee or other co-workers on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation or age is a violation of State and/or Federal law and will not be tolerated by the County of El Dorado.

The County of El Dorado prohibits retaliation of any kind against a person for reporting or filing a complaint of unlawful discrimination, harassment or retaliation and prohibits retaliation for participating in any such report, complaint or investigation, whether as a complainant or witness.

Employees, supervisors, managers, contract employees, elected officials and/or other coworkers found to be participating in any form of employment-based harassment,

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discrimination or retaliation against any applicant or employee may be subject to disciplinary action up to and including termination from employment.

This zero tolerance policy is applicable to all terms and conditions of employment including, but not limited to, hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination and reinstatement.

329.3 DEFINITIONS

For the purpose of clarification, unlawful discrimination or harassment includes, but is not limited to, the following behaviors:

(a) Sexual Harassment:

1. **Quid Pro Quo** - Any sexual advance or act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, or where submission to or rejection of the conduct is used as a basis for an employment action, decision or other treatment affecting such individual; or
2. **Hostile Work Environment** - Unwelcome or offensive conduct that is sexual in nature and/or that is motivated by or directed to an employee on the basis of gender with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile or offensive work environment. The conduct need not be explicitly sexual to meet this definition and may include repeated or continuing unwelcome or offensive romantic advances, requests, invitations or unwelcome or offensive overtures to express a romantic or intimate interest in another employee. Conduct creating a hostile work environment is a violation of this policy whether or not there is any tangible, adverse impact on the employee's job benefits.
3. **Other forms of harassment** - Unwelcome or offensive conduct motivated by or directed to an employee on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation or age, with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile or offensive working environment. Conduct creating a hostile work environment is a violation of this policy whether or not there is any tangible, adverse impact on the employee's job benefits.

(b) Examples of Behaviors Constituting Harassment:

1. **Verbal Harassment** - Epithets, derogatory comments, slurs, propositioning, graphic or descriptive comments, or other offensive words or comments on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation or age whether made in general, directed to an individual or to a group of people and regardless of whether the behavior was intended to harass or offend. Such behavior may include, but is not limited to, comments about appearance, dress, body type or physical features, comments about personal life which may be perceived as offensive or sexual behavior, sexual rumors or comments, jokes or anecdotes related to race, disability, age or religion.
2. **Physical Harassment** - Assault, impeding or blocking movement, staring, leering or any physical interference with work, privacy or movement on the basis of race, religion, color, marital status, sex, sexual orientation or age whether made in general, directed to an individual or to a group of people, and regardless of whether the behavior was intended to harass or offend. Physical

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harassment may include, but is not limited to, pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or explicit or implied threats or promises in return for submission to physical requests or demands.

3. **Visual Forms of Harassment** - Derogatory, prejudicial, stereotypical, pornographic or otherwise offensive posters, pictures, objects, cartoons, notes, bulletins, drawings, photographs related to race, religion, color, national origin, ancestry, mental disability, physical disability, medical condition, marital condition, sex, sexual orientation or age, whether made in general, directed to an individual or to a group of people and regardless of whether the behavior was intended to harass or offend. These provisions apply to posted material, material maintained in or on County of El Dorado premises or equipment, and to personal property in the workplace.
4. **Discrimination** - Adverse actions, decisions or other treatment affecting an employee and motivated by or directed toward the employee on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation or age, including, but not limited to, those affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination and reinstatement.
5. **Retaliation** - Adverse actions, decisions or other treatment including, but not limited to, threats or coercion affecting an employee and motivated by or directed toward the employee on the basis of the employee's participation as complainant or witness in a report or complaint of discrimination, harassment or retaliation, or the employee's participation in the investigation of such a complaint including, but not limited to, action, decisions or other treatment affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, layoff, recall, transfer, leave of absence, termination and reinstatement.

329.4 RESPONSIBILITIES

329.4.1 DEPARTMENT HEADS/MANAGEMENT/ELECTED OFFICIALS

It is the responsibility of department heads and other management and elected officials to refrain from conduct constituting unlawful discrimination, harassment and/or retaliation; to enforce and maintain policies to prevent and prohibit unlawful discrimination, harassment and retaliation in the workplace; to immediately report any complaint of discrimination, harassment or retaliation to Human Resources and/or the CAO; to maintain a departmental work environment that is free of unlawful discrimination, harassment and/or retaliation; to ensure that all employees within the department are provided with a copy of the policy and are provided with training on its provisions; and to ensure that any violation of this policy that is brought to management's attention is handled promptly, fairly and impartially. It is their further responsibility to monitor compliance with this policy by subordinates and to ensure attendance at County-sponsored training in prevention of unlawful discrimination, harassment and retaliation in the workplace.

Failure to refrain from conduct found to constitute unlawful discrimination, harassment and/or retaliation will result in disciplinary action up to and including termination. Failure to take corrective action when a department head/manager/elected official knew, or should have known, that an employee was being subjected to unlawful discrimination, harassment or retaliation on the job is a violation of this policy and may subject the department

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head/manager/elected official to a disciplinary action up to and including termination or other appropriate sanctions. A failure to report conduct that may constitute unlawful discrimination, harassment and/or retaliation to the Department of Human Resources (EEO Officer) or CAO, or failure to cooperate fully and truthfully in an investigation of a complaint of discrimination, harassment or retaliation, or failure to require such cooperation from subordinates, may result in disciplinary action up to and including termination.

All Department Heads, mangers and elected officials have the responsibility to set a professional and proper example in complying with the provisions of this policy.

329.4.2 SUPERVISORS

It is the responsibility of supervisors to refrain from conduct constituting unlawful discrimination, harassment and/or retaliation, to enforce this policy, to ensure employees attend relevant County-sponsored training concerning this policy and to monitor the work place to ensure compliance with the policy. When a supervisor is informed of, or observes a violation of, this policy the supervisor shall bring the information to the attention of management immediately.

Failure to refrain from conduct found to constitute unlawful discrimination, harassment and/or retaliation will result in disciplinary action up to and including termination. A failure to report conduct that may constitute unlawful discrimination, harassment and/or retaliation to management or failure to cooperate fully and truthfully in an investigation of a complaint of discrimination, harassment or retaliation, or failure to require such cooperation from subordinates may subject the supervisor to disciplinary action up to and including termination.

All supervisors have the responsibility to set a professional and proper example in complying with the provisions of this policy.

329.4.3 HUMAN RESOURCES DIRECTOR AND DEPARTMENT

The Director of Human Resources is the County's Equal Employment Opportunity Officer (EEO Officer). The Director and the Human Resources Department shall be responsible for:

(a) Fostering the cooperation of Department Heads and other managers in meeting program goals in relation to the identification, prevention and elimination of unlawful discrimination, harassment and retaliation in the workplace;

(b) Ensuring that qualified applicants and employees with disabilities, who are capable of performing the essential functions of their positions, are provided with reasonable accommodations;

(c) Reviewing job classifications, pre-employment and performance testing requirements and qualifications to ensure that they are relevant to the functions of the positions and do not adversely affect qualified applicants and employees whose disabilities can be reasonably accommodated so as to allow them to perform the essential functions of their positions;

(d) Investigating and resolving complaints of discrimination, harassment and retaliation which fall within the provisions of this policy or directing and monitoring investigations conducted by independent contracts;

(e) Reporting to the Board of Supervisors and Department Heads concerning developments in the area of workplace unlawful discrimination, harassment, retaliation and the effectiveness of implementation of the County's policy;

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(f) Scheduling and auditing periodic training of County management and employees in the area of unlawful workplace discrimination, harassment, retaliation including identification of prohibited conduct, procedures for reporting the occurrence of such conduct and prohibition against retaliation for complaints;

(g) Reporting the occurrence of such unlawful discriminatory, harassing or retaliatory conduct prohibited by the policy to the appropriate department head and/or supervisor to ensure that appropriate action occurs.

329.5 COMPLAINT PROCEDURE

The County of El Dorado encourages individuals who believe they have suffered unlawful discrimination, harassment and/or retaliation to promptly notify the offender that his or her behavior is unwelcome or objectionable. One-on-one confrontation may be an effective way to end inappropriate behaviors. However, confrontation may be difficult and due to the complex nature of issues relating to discrimination, harassment and retaliation, employees are not required to confront an offending party prior to initiating a complaint process. All persons are required to report conduct even if the behavior stops. The following steps should be taken to report a complaint of discrimination, harassment or retaliation:

329.5.1 APPLICANTS AND EMPLOYEES

An applicant or employee who believes that he or she has been subjected to unlawful discrimination harassment or retaliation may make a complaint orally or in writing with any of the following:

(a) Any supervisor or manager within or outside the department

(b) Department Head

(c) Director of Human Resources/Equal Employment Opportunity Officer

(d) Chief Administrative Officer

Applicants or employees may instead or in addition file a complaint with the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

Employees are not required to follow their usual chain of command in making a complaint concerning unlawful discrimination, harassment or retaliation. A complainant is never required to report unlawful discrimination, harassment or retaliation to a supervisor, manager or other employee whom the complainant believes is engaging in or tacitly supporting the unlawful discrimination, harassment or retaliation.

329.5.2 WHEN A COMPLAINT IS RECEIVED

Upon receipt of a complaint of unlawful discrimination, harassment or retaliation, whether verbal or in writing, a supervisor, manager or Department Head shall immediately notify the Department of Human Resources or the Chief Administrative Officer who will initiate the appropriate initial fact finding. If an employee of the Department of Human Resources is the complainant or accused of unlawful discrimination, harassment or retaliation, then the investigator shall be the Chief Administrative Officer or his or her designee.

329.5.3 FORMAL INVESTIGATION UPON ALLEGATION OF UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION

Upon determination of the Director of Human Resources, CAO or designee of an allegation of unlawful discrimination, harassment or retaliation, a formal investigation may be conducted as appropriate to the complaint. The investigation may include collection of

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relevant documents and interviews with the complainant, witnesses, including the accused employee(s), and all persons whom the investigator reasonably believes would have relevant knowledge concerning the complaint. Employees are entitled to have a Union or legal representative present during their interviews where the employee reasonably believes the investigation could result in the imposition of disciplinary action against them. If the accused person is a public safety officer, the investigation will be in accordance with the Peace Officer's Bill of Rights.

Following the completion of the investigation, the complainant and accused employee(s) will be notified of the completion of the investigation and of the ultimate outcome i.e. whether the evidence establishes a violation of County policy. If the determination is made that discrimination, harassment and/or retaliation occurred which violates County policy, the Director of Human Resources (EEO Officer) or CAO shall take and/or recommend prompt and effective remedial action commensurate with the severity of the offense(s), taking into account the principles of progressive discipline as well as the County's zero tolerance policy towards unlawful discrimination, harassment and retaliation. Human Resources may provide investigation materials and evidence to the relevant Department Head or other employee(s) as strictly necessary to carry out any disciplinary or corrective action. However, preservation of the confidentiality of the records pursuant to applicable statutes shall apply. For example, in the event disciplinary action is taken the nature of any discipline will not be disclosed to the complainant.

Employees who report discrimination, harassment or retaliation will be protected from retaliation. Relevant supervisors and managers must continue to monitor the workplace during and after the complaint and investigation process to ensure that there is no recurrence of behavior constituting discrimination, harassment or retaliation and to maintain an environment of full compliance with the provisions of this policy.

329.6 APPEAL

If the complainant is not satisfied with the determination or resolution of the complaint, the complainant may file an appeal with the Civil Service Commission within thirty (30) days of the determination/recommendation of the EEO Officer or CAO.

Appeals to the Civil Service Commission are to be filed in writing to:

County of El Dorado Civil Service Commission

C/O Human Resources Department

330 Fair Lane

Placerville, CA 95667

The filing of a complaint in accordance with this policy does not preclude the employee from filing a complaint with the agencies listed below:

Department of Fair Employment and Housing (DFEH)

2000 O Street

Sacramento, CA 95814

(800) 884-1684

Equal Employment Opportunity Commission (EEOC)

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901 Market Street, Suite 500

San Francisco, CA 94103

(415) 356-5100

329.7 APPLICATION

This policy applies to all employees of the County of El Dorado including contract employees, permanent employees, temporary/extra help employees, supervisory employees, department heads, private contractors, volunteers and elected officials. All such persons and employees shall receive a copy of the policy and shall sign a written acknowledge that they have received and read a copy of this policy. A copy of this acknowledgement will be placed in each employee's official personnel file.

329.8 FALSE COMPLAINTS

This section is not intended to discourage employees from making complaints regarding discrimination, harassment or retaliation. However, intentionally false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated. Any complaint made by an employee of the County of El Dorado regarding discrimination, harassment or retaliation which is proven to be intentionally false may result in discipline up to and including termination.

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Child Abuse Reporting

330.1 PURPOSE AND SCOPE

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

330.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable

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and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

330.3.1 NOTIFICATION PROCEDURE

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

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

330.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

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(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

330.6 PROTECTIVE CUSTODY

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

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.

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2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5.

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

330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.7.3 INTERVIEWS AT A SCHOOL

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

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330.8 MEDICAL EXAMINATIONS

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

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

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Detective Bureau supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

330.9.2 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

330.10.1 RELEASE OF REPORTS

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

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

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

330.10.3 CACI HEARING OFFICER

The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

330.10.4 CACI HEARING PROCEDURES

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

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

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

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

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

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

330.10.5 CHILD DEATH REVIEW TEAM

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

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

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(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Person Reporting

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14213) the following:

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

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

332.2 POLICY

The El Dorado County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The El Dorado County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14205).

332.3 REQUIRED FORMS AND DNA COLLECTION KITS

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

- Department report form for use in missing person cases
- Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing Person School Notification Form
- Medical Records Release Form from the California Department of Justice
- California DOJ missing person forms as appropriate
- DNA Missing Persons Specimen Collection Kits

332.4 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14205). This can be accomplished

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by accepting the report via telephone or in person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14205).

332.5 INITIAL INVESTIGATION

Deputies or other employees conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a Be on the Look-Out (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk (Penal Code § 14205).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review the following:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the deputy should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

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

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332.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to the Records Section.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving employee shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14205).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known (Penal Code § 14205).

(d) Forward a copy of the report to the Detective Bureau.

332.7 DETECTIVE BUREAU FOLLOW-UP

The investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

    1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

    2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(f) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 (42 USC § 5780).

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(g) Should make appropriate inquiry with the coroner or medical examiner.

(h) Should obtain and forward medical records, photos, X-rays and biological samples pursuant to Penal Code § 14206 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14209).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to California DOJ.

(b) The missing person's school is notified.

(c) Entries are made in the applicable missing person networks (Penal Code § 14207).

(d) When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office (Penal Code § 14207(b)).

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14207(b)).

332.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

332.9 CASE CLOSURE

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person was a resident of El Dorado or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Training coordinator should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.3.2 OFFICE OF EMERGENCY SERVICES RESPONSIBILITIES

Open and staff the Emergency Operations Center.

(a) Activate and staff the phone bank. (621-7441).

(b) Support field staff with logistic support.

334.4 ALERT RESPONSIBILITY

The employee receiving the report shall notify the Shift Sergeant or appropriate Detective Supervisor as soon as practical. The Shift Sergeant or Detective Supervisor will then determine whether to inform the media and other allied resources of the incident via an AMBER Alert or Blue Alert. The Shift Sergeant or Detective Supervisor shall promptly notify the Sheriff and the appropriate Division Commander.

334.4.1 CRITERIA FOR AMBER ALERT

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

(a) Abduction has been determined to have occurred.

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(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

334.5 BLUE ALERTS

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

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(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

334.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older and have been reported missing.

334.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older.

(b) The department has utilized all available local resources.

(c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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334.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol.

334.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Shift Sergeant or Detective Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Shift Sergeant of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Shift Sergeant.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The El Dorado County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.

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Victim Witness Assistance Program

336.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. It is the goal of the El Dorado County Sheriff's Office to facilitate such assistance through available government and private resources. Employees should remain sensitive to the needs of victims and witnesses.

336.2 POLICY

The El Dorado County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the El Dorado County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 ADVISEMENT RESPONSIBILITY

Every employee reporting or investigating a crime where a victim has suffered direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act will ensure the victim has been provided with information about the existence of the local victim centers. This may be accomplished by providing the victim the *Marsy's* Card with the case report number noted on the card (Cal. Penal Code § 679.026). A Victim of Violent Crime form should also be provided if the victim suffered an injury as a direct or proximate cause of that crime.

If for any reason the investigating employee is unable to complete the above notifications such fact shall be noted in the related case report and the notifications should be completed by the assigned detective.

The Records Manager is responsible for obtaining or publishing a *Marsy's* Card as described in Cal. Penal Code § 679.026 and making a sufficient supply of *Marsy's* Cards available to El Dorado County Sheriff's Office employees.

336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The Sheriff shall designate a crime victim liaison officer as liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The liaison officer shall carry out the functions required by state law; and devise and implement written procedures to notify and provide the required compensation information. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

336.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or

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restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg; Penal Code § 13823.95(a)).

(d) An explanation that no victim of sexual assault shall be required to participate or agree to participate in the criminal justice system, either prior to examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime.

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U-Visa and T-Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the deputy's name, badge number and any applicable case or incident number.

(l) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Hate crimes - Penal Code § 422.55(a) defines a hate crime as a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability
(b) Sex
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics
(h) Examples of hate crimes include, but are not limited to:
    1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
    2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
    3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
    4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 245).

338.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

(a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks

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(b) Accessing assistance by, among other things, activating the Department of Justice hate crime rapid response protocol when necessary

(c) Providing victim assistance and follow-up as outlined below, including community follow-up

338.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Deputy(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved

(d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

(e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation

(f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift

(g) The assigned deputy(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations

(h) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or County Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

338.5 TRAINING

All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.

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Disciplinary Policy

340.1 PURPOSE AND SCOPE

To provide employees of this department with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all sworn and civilian members of this department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.

340.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

(c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

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(e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Sheriff or a designee may result in discipline under this policy.

(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

340.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

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(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Sheriff's Office or subverts the good order, efficiency and discipline of the Sheriff's Office or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Sheriff's Office or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Sheriff's Office shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Sheriff's Office.

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(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds.

(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Sheriff's Office.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.

(z) Violating any misdemeanor or felony statute.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating departmental safety standards or safe working practices.

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340.3.7 SECURITY

(a) Unauthorized, intentional release of confidential information, materials, data, forms or reports

340.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

Investigation of complaints alleging misconduct by non-sworn employees will be investigated in accordance with prevailing law.

340.4.1 INITIATION OF DISCIPLINARY ACTION

(a) All Sergeants, Civilian Supervisors, and above, may issue a Notice of Correction, subject to approval by a Lieutenent. Sergeants and Civilian Supervisors may issue a Letter of Counseling, with Division Commander approval.

(b) All Lieutenants, Civilian Managers, and above, may issue disciplinary action up to and including a Letter of Reprimand, with Sheriff, or designee, approval.

1. Lieutenants may suspend an employee with pay, only under the following circumstances:

   (a) In the absence of the Sheriff, Undersheriff, and Division Commander.

   (b) In an emergency situation.

   (c) If it appears likely that the employee's continued presence would create a security risk or would be a detriment to the Department's good function.

(c) All supervisory personnel may recommend more severe action than their respective rank allows them to issue. However, the action itself must fall within their range of authority.

(d) All disciplinary action involving suspension through dismissal shall be reviewed and authorized by the Division Commander who shall ensure that the investigation initiating such action is complete.

340.4.2 WRITTEN REPRIMANDS

Any employee (except those represented by Public Employees, Local Union No. 1) wishing to formally appeal a written reprimand must submit, within five (5) working days from the effective date of such punitive action, a Notice of Appeal to the Sheriff or designee acting in

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the capacity of administrative appeal officer, together with any and all documents supporting the employee's appeal including statements from any witnesses. Failure to submit a Notice of Appeal to the Sheriff or designee within the time period prescribed shall constitute an absolute waiver of the right to an "administrative appeal" pursuant to Government Code Section 3300 et seq.

The Sheriff or his/her designee must respond in writing to the Notice of Appeal within twenty(20) working days following submission. No hearing is required to be held and the designee may respond to the appeal solely on the materials and documents provided by the employee and by the department.

The Sheriff or designee, acting as the Administrative Appeal Officer, shall have the power to amend, modify, rescind, or uphold, in whole or any part thereof, the claimed punitive action of the department or the authority imposing discipline.

The "administrative appeal" provided for herein need not be completed prior to the implementation of the alleged "punitive action.

Employees represented by Public Employees, Local Union No. 1 shall have the right to appeal a written reprimand in accordance with the provisions set forth in the Memorandum of Understanding between covered members and the County of El Dorado.

When issuing a Written Reprimand, Supervisors, and Civilian and Sworn Managers, shall follow the approved Sheriff's Office format.

340.4.3 LETTER OF COUNSELING

A Letter of Counseling shall be defined as the documentation of a conversation in which a supervisor advises an employee to correct certain behavior, and is not a disciplinary action. Any employee may file a rebuttal to a Letter of Counseling by submitting the rebuttal, in writing, to the issuing supervisor within five (5) working days of the issuing date of the Letter of Counseling. The written rebuttal shall be attached to the Letter of Counseling and both shall be placed into the employee's evaluation file for a minimum of two (2) years. All Letters of Counseling will be kept in an employee's evaluation file for a minimum of 2 years. The Letter of Counseling may be used to assist in the completion of the employee's evaluation during the first year.

When issuing Letters of Counseling, Supervisors, and Civilian and Sworn Managers shall follow the approved Sheriff's Office format.

340.5 POST INVESTIGATION PROCEDURES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials. Division Commanders shall make disciplinary recommendation(s) within 45 days of receipt of the completed personnel investigation to the Support Services Captain, or designee.

The Division Commander may, on their own initiative, issue a Letter of Intent (Skelly notice) to begin punitive action including: suspension, demotion, and termination.

(a) Prior to punitive action, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

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340.5.1 DIVISION COMMANDER RESPONSIBILITIES

In the event that punitive action is recommended, the Division Commander shall provide the employee with Notice of Intent (Skelly notice) which shall include the following information:

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A statement that the employee has been provided with or given access to all of the materials considered for the proposed punitive action.

(c) An opportunity to respond orally or in writing to the Sheriff within five (5) days of receiving the Skelly notice.

1. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.

(d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Sheriff has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

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340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.

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Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the El Dorado County Sheriff's Office, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or **Permanent File** or **File -** Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

Review of any employee's system, and any and all temporary or permanent files and related electronic systems or devices, and any contents may only be authorized by the Sheriff or Undersheriff.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Department.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a

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department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE OF DEPARTMENT TECHNOLOGY

Access to department technology resources provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

Internet access is provided by the Department for department related business activities. An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

342.7.1 FLASH DRIVES

Flash Drives, also known as Jump Drives, Thumb Drives, and USB Drives, represent a significant risk to department data and computing resources. Like the removable media of the past (floppy disks) viruses can be transported from computer to computer via Jump Drives. The storage capacity of these devices represents an increased risk to department data. The loss of a single jump drive containing sensitive data could expose the department to significant liability. (A single jump drive can hold more than 2,000 floppy disks. An entire database can be compromised.) There are more secure methods of moving and storing departmental data utilizing network resources. For these reasons the following procedures apply:

(a) Jump drives must be purchased through the requisition process and not through office supply.

(b) All department jump drives must be encrypted with password protection activated.

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(c) Jump drives shall not be used as a primary means of storing department data.

(d) Personally owned jump drives shall not be used to transport department data.

(e) Personally owned jump drives shall not be used to introduce software or data into department computers.

(f) Some department computers will be configured to prevent the use of jump drives by anyone. Exceptions to this configuration must be request through the chain of command to the Technology Manager.

(g) Authorization to use a jump drive is granted by the employee's Captain and administered by the Technology staff. Only encrypted, departmentally issued jump drives may be used.

(h) At no time shall a jump drive (departmental or personal) be used to store sensitive data which includes but is not limited to employee databases and criminal information. Exceptions must be approved through a captain and then only an encrypted jump drive may be used.

(i) Each employee issued a departmental jump drive will be given this policy and trained in its proper use. Technology staff will maintain a database of issued jump drives.

342.8 INCIDENTAL PERSONAL USE OF DEPARTMENT COMPUTER SYSTEM

Users are responsible for exercising good judgement regarding the reasonableness of personal use of Department computers on personal time. Users may engage in reasonable incidental personal use of the Department's computer systems, to the extent permitted by their supervisor, as long as such use does not degrade overall system performance (such as streaming media, music or videos files), detract from the user's productivity, duties, service to the public or Department, violate any law, or harm the image of the Department.

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Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher's log

(c) In every case where any force is used against any person by sheriff's personnel

(d) All incidents involving domestic violence

(e) All arrests

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344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) When a deputy points a firearm at any person

(b) Reported missing persons (regardless of jurisdiction)

(c) Found property and found evidence

(d) All incidents involving the death of a human being (see Policy Manual § 360 Death Investigations)

(e) When a deputy has responded to a reported domestic violence call and determined the incident was a verbal argument only.

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 23685).

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344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. Incomplete reports, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances. All reports shall be submitted by the end of the deputy's watch unless an approval to hold the report is obtained from the Watch Commander. Reports involving custodial arrests should not be held.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary the reviewing supervisor should complete the "Reports Memo" form stating the reasons for rejection. The report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner. The Patrol Deputy shall notify the Patrol Sergeant when the corrections have been completed."

Generally, the computer generated report is placed in a "Reject" or "Hold" status until such time as the deputy corrects the deficient report.

344.4.1 DISSEMINATION OF REPORTS MEMO

Sergeants will initiate a Reports Memo via their computer and email it to the deputy. The Deputy will print the Reports Memo, make the correction(s), sign the memo and return it to the issuing sergeant. The finished Reports Memo will then be placed into the deputy's evaluation file."

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News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) Under no circumstances will any employee be compelled to respond to the media. Each employee or supervisor shall assess the particular inquiry and direct the reported to the appropriate individual.

(b) When a media inquiry has been received and is not connected to an immediate and on-going situation in the field, this representative should be advised to contact the Public Information Officer. This section does not preclude advanced delegation of authority to a spokesperson.

(c) Comments to the media regarding any investigation being conducted by the internal investigations unit, litigation involving department employees and investigations conducted by other agencies regarding department employees is prohibited. Only the Sheriff, Undersheriff or the Sheriff's designated representative may provide such information to the media.

(d) Any employee or Operational Division wishing to make a press release or secure media coverage of a particular event shall coordinate the announcement or notification through the Sheriff, Undersheriff or Public Information Officer.

(e) No comments shall be made regarding any case which has been filed by the District Attorney's Office. No comments shall be made regarding cases being actively investigated by other police agencies. Official comments shall be the exclusive purview of the lead agency having the responsibility for the conduct/prosecution of the case.

(f) Problems or conflicts with news media personnel shall be reported through the chain of command to the Public Information Officer.

(g) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.

(h) Under no circumstance should any member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Sheriff.

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346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. This log will generally contain the following information:

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(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual § 1026)

1. The identities of deputies involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

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346.5 NOTIFICATION

In a major incident, the Patrol Supervisor or Senior Officer on the scene shall direct and ensure that the Division Commander and Public Information Officer are notified of the event.

(a) A major incident is a potential or actual disaster, an incident which requires the commitment of a large number of officers, the arrest of a known public figure, or any other event likely to attract news media immediately or the following day.

(b) When available, a Public Information Officer shall respond to the scene and assist the On Scene Commander in providing liaison with news media present. The Public Information Officer shall prepare general press releases for other appropriate media not at the scene.

(c) In the absence of a Public Information Officer, the Scene Commander or his/her designated representative shall be responsible for providing liaison with news media present.

346.6 GUIDELINES FOR THE RELEASE OF INFORMATION

When authorized to provide information to the news media, the following guidelines shall apply.

346.6.1 INFORMATION WHICH MAY BE RELEASED

(a) Facts and circumstances of arrest:

1. Time and place
2. Resistance put up by the suspect
3. Pursuit necessary to apprehend
4. Use of weapons by officer or suspect
5. Description of circumstances
6. Other details which do not jeopardize investigations

(b) Identification of investigating and arresting officers and length of investigation.

(c) Limited description of evidence seized. (Do not make any reference to confessions, admissions or statements).

(d) Disclose the nature and actual charge.

(e) Any request for assistance from the public.

(f) The identity of victim or complainant if the release of that information is not otherwise prohibited by law. (No release of victim identity may be made if the crime is defined in Penal Code §§ 261, 264, 264.1 273A, 273D, 286, 288, 289 or D.V. etc.

346.6.2 INFORMATION NOT TO BE RELEASED

(a) Do not release the identity of the suspect prior to the arrest.

(b) Do not release the results of investigative procedures prior to arrest.

(c) The above items may be released if:

1. It will aid the investigation
2. It will assist in the apprehension of the suspect
3. It will warn the public of possible danger if the suspect were released.

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(d) Do not release prior criminal record, reputation or character (Name, age, residence, occupation and family status may be released).

(e) Do not release identity or any personal information of a juvenile arrestee or suspect.

(f) Do not release the existence or contents of any confession or statement given by the suspect or the refusal to make a statement.

(g) Do not give an opinion about the possibility of a plea of guilty to the offense charged or a lesser charge.

(h) Do not release the performance of any examinations or tests, or the suspect's refusal or failure to submit to such examination or test.

(i) Do not release any photographs or mug shots except:

1. If the release will aid in the arrest of the suspect.
2. If the release will aid in the investigation.
3. If the release will warn the public of danger.
4. After the suspect has been booked.

(j) Do not release the identity, testimony or credibility of a prospective witness.

(k) Do not release any personal opinion concerning the suspect's guilt, innocence or merits of the case.

(l) Do not release any information which would be known to be inadmissible in court.

(m) Do not move or pose suspects solely for the purpose of allowing photographs or news film to be taken. However, do not prevent photographers from taking un-posed pictures in public places.

(n) Do not release reference to investigative procedures such as fingerprints, polygraph tests, ballistic tests or lab test results.

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Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or the Community Service Officer (CSO) shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the CSO. The CSO shall

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maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the CSO as well as a copy to the individually named employee.

348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Shift Sergeant of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with El Dorado County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their

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appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any deputy for reasonable and necessary travel expenses.

The Department will receive reimbursement for the deputy's compensation through the civil attorney of record who subpoenaed the deputy.

348.3.1 PROCEDURE

To ensure that the deputy is able to appear when required, that the deputy is compensated for such appearance, and to protect the Department's right to reimbursement, deputies shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the deputy or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

348.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action that seeks to subpoena a deputy must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the deputy make multiple appearances must make an additional deposit in advance.

348.4 OVERTIME APPEARANCES

If the deputy appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed deputy shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

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348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or

(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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Declaration For Motion To Continue

349.1 PURPOSE AND SCOPE

The Declaration for Motion to Continue is a form that notifies the District Attorney's Office and thus the Court that a subpoenaed EDSO employee is unable to appear in court on the date(s) specified in the subpoena. This form should be considered a legal document. The purpose of the form is to ensure reasons used to avoid a subpoena for a court appearance are reasonable and necessary. This will limit the need for court continuances to just those that are absolutely necessary.

349.2 POLICY

All employees of the Department will use the Declaration for Motion to Continue form to notify the District Attorney's Office that he/she is unable to appear in court on the date(s) specified in the subpoena. The reason for the inability to appear in court shall be checked or stated on the form. The reasons for failing to appear will be reasonable and necessary, such as a pre-paid vacation out of the area, sick leave, medical leave, maternity/paternity leave, or mandatory training. There is a section on the form that can be checked stating the employee is on vacation, training, or school, but will be in the area and available for the court appearance if essential to the case.

If the subpoenaed employee is available to do so, he/she should sign the form. If the subpoenaed employee is not available due to injury, illness, etc. then his/her immediate supervisor should sign the form. In any event, the immediate supervisor of the subpoenaed employee shall initial the bottom of the Declaration for Motion to Continue form to signify they have reviewed the document. The original Declaration for Motion to Continue form shall be sent to the District Attorney's Office along with the subpoena. A copy of the subpoena shall be maintained in a binder in the Division in which the subpoenaed employee works.

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Reserves

350.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

350.2 SELECTION & APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The El Dorado County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or meet the POST training requirement for their appropriate reserve level.

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees who work 16 hours or more per month will receive $75 per month uniform allowance. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation.

It shall be the reserve deputy's responsibility to turn in an activity log to the Reserve Sergeant or Reserve Coordinator at the end of each shift. The activity logs will be maintained by the Reserve Sergeant.

350.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies may perform a number of general and specialized law enforcement assignments, including but not limited to:

- Uniformed patrol
- Investigations
- Marine/boat patrol
- Search and Rescue
- Special events

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Reserve deputies are required to work a minimum of 16 hours per month, which can include meetings, public functions, patrol work etc.

350.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

350.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

350.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

(c) Establishing and maintaining a reserve call-out roster

(d) Maintaining and ensuring performance evaluations are completed

(e) Monitoring individual reserve deputy performance

(f) Monitoring overall Reserve Program

(g) Maintaining liaison with other agency Reserve Coordinators

(h) Maintenance and management of reserve deputy training records

350.4 RESERVE PEACE OFFICER STATUS SUMMARY AND TRAINING REQUIREMENTS

RESERVE DEPUTY LEVELS

LEVEL I: 830.6(a)(1), 832.6(a)(1)

- **AUTHORITY:** 24 hours or duration of specific assignment (on-duty).
- **ASSIGNMENT**: General Law Enforcement.
- **SUPERVISION:** Same as regular full-time peace officer.
- **TRAINING:** 1. Regular Basic Course (min. 664 hrs); 2. Field Training Program (min. 400 hrs); 3. CPT (24 hrs every 2 years).

LEVEL II: 830.6(a)(1), 832.6(a)(1)

- **AUTHORITY:** Only for duration of the specific assignment (on-duty).
- **ASSIGNMENT**: General Law enforcement OR Limited support duties; may work assignments authorized for Level 3 reserve deputies.

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- **SUPERVISION:** Immediate supervision by a peace officer who has completed the POST Regular Basic Course. May work assignments authorized for Level III without immediate supervision.
- **TRAINING:** 1. Modules III and II (min 333 hrs). 2. CPT (24 hrs every 2 years).

LEVEL III: 830.6(a)(1), 832.6(a)(3)

- **AUTHORITY:** Only for duration of the specific assignment (on-duty).
- **ASSIGNMENT**: Limited support duties: Duties not likely to result in physical arrests. Examples: traffic control, event security, report writing, evidence or prisoner transport. May transport prisoners without immediate supervision.
- **SUPERVISION:** Supervised in the accessible vicinity by a Level I reserve deputy or a regular full-time peace officer.
- **TRAINING:** Module III (min 144 hrs), reserve orientation program.

350.4.1 TRAINING OFFICERS

All reserve deputies must complete a department approved training program.

- Level I: Reserve deputies shall be trained by certified Field Training Officers as outlined in Policy Manual 436.2.2
- Level II: Reserve deputies can be trained by either certified Field Training Officers as outlined in Policy Manual 436.2.2 or a full-time deputy sheriff who has a P.O.S.T. Basic Certificate.
- Level III: Reserve deputies can be trained by either certified Field Training Officers as outlined in Policy Manual 436.2.2 or a full-time deputy sheriff who has a P.O.S.T. Basic Certificate

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Level II training program, a reserve deputy desiring to become a Level I Reserve Deputy will be assigned a Field Training Officer to complete the required training (16 weeks) as outlined in Policy Manual Section 436.5.

350.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual corresponding with their current appointment level. Upon completion of the Level II training program a Level I trainee will receive the Department approved Field Training Manual. The Level I and Level II manuals are an outline of the subject matter and/or skills necessary to properly function as a Level I or Level II reserve deputy within the El Dorado County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined in both manuals.

350.4.4 COMPLETION OF FIELD TRAINING PROGRAM

When a reserve deputy who desired to become a level I reserve has satisfactorily completed all phases of formal training and has demonstrated competency in these functions they shall be certified as a Level I reserve deputy with this Department by the Division Commander and/or the Reserve Coordinator.

350.5 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6(a)(2)). The immediate supervision

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requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Shift Sergeant may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

350.5.2 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

350.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this department as outlined in Policy Manual Sections 1044 and 1046.

350.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

350.5.6 RESERVE DEPUTY EVALUATIONS

While in the Field Training Program for Level I reserve deputy, reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

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350.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during his/her assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

350.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

350.6.2 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed the level I training requirements, he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff, or designee, with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing with the El Dorado County Sheriff's Office Reserve Deputy Program.

350.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law. (Penal Code §§ 290 and 290.4). It is the policy of this department to facilitate public access to information allowed by legislation on registered sex offenders.

356.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Detective Bureau Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 PUBLIC INQUIRIES

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant

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risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the El Dorado County Sheriff's Office's website.

The Records Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Major Incident Notification

358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this department. It is critical that staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

358.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Officer-involved shooting - on or off duty (See Policy Manual § 310.53 for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent El Dorado official
- Arrest of Department employee or prominent El Dorado official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Search and Rescues
- Major fire, flood, severe weather and other disaster concerns
- Any event that would attract media attention

358.3 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first, (the internal paging system next) and then by pager or cellular telephone.

358.3.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Sheriff shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

358.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.3.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in the event of a suspicious or criminal death investigation.

360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

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(o) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating deputy shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a John Doe" or "Jane Doe number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone or teletype with all pertinent information (8 CCR 342(b)).

360.3 PATROL DEPUTY RESPONSIBILITIES

- Preserve Life
- Arrest the suspect
- Protect the scene

360.3.1 ARRIVAL AT SCENE

A rapid response is imperative to protect evidentiary materials before they are destroyed, altered, or lost. Anything and everything is considered evidence, whether physical or testimonial. Evidence must be preserved, noted and brought to the investigator's attentions. Upon your arrival, the only evidence that should be collected is eyewitness accounts or spontaneous statements of a suspect. After the scene is secured, immediate notification must be made to the investigators.

360.3.2 DOCUMENTATION

Record and later document the exact time of your arrival. Enter the immediate area of the crime scene to view the victim. Only one deputy needs to enter, unless for obvious officer safety reasons.

(a) If medics are called document medic and fire engine numbers, as well as names and badge numbers of medic personnel. If medics or deputies disturb or move items at the scene document as follows.
   1. What alterations were made?
   2. When were alterations made?
   3. Purpose of the movement.
   4. Person who moved the item.

(b) Note and document the following in your immediate area (Medics may alter one or all of the following)
   1. Lights turned on or off.
   2. Doors opened, closed, locked, unlocked.
   3. Body moved or cut down (hanging).
   4. Windows opened, closed, locked, unlocked.
   5. Furniture moved, anything touched.

360.3.3 PRELIMINARY INVESTIGATION / PROTECTION OF CRIME SCENE

Set up scene perimeter using crime scene tape. Remember the possibility of multiple crime scenes (the bigger the perimeter the better).

(a) Initiate and maintain a chronological crime scene log, recording the names, badge numbers, times and purpose of deputies entering the scene. The log should reflect the entry as well as the exit of everyone.

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(b) Establish a path for entry and exit of the crime scene. Base this on your observation of the scene.

(c) Do not touch, move or alter anything at the scene. If you do, bring it to the investigators attention and document it. (Accidents will happen).

(d) Do not smoke inside the crime scene.

(e) Do not flush toilets, run water in the sinks or bath tub or use the telephone. If you do for whatever reason, document it and advise the investigators.

(f) Do not give a press release. Investigators may want certain information to be, or not to be released to the media. Refer the media to you supervisor.

(g) Detain all persons at the scene. Obtaining and holding a form of identification will usually keep witnesses available. Be sure to document full names, date of births, home and business address and telephone numbers.

(h) Refrain from entering the scene as much as possible, or touching items within the scene.

(i) Exclude all unauthorized persons from entering into the crime scene. This also includes law enforcement personnel not directly involved with the investigation.

360.3.4 SUSPECT IN CUSTODY AT THE SCENE

Arrest the suspect if you can determine by your observations he or she is the suspect. As a general rule, do not question the suspect at this stage. If you Mirandize the suspect and they invoke or ask for an attorney, investigators cannot go back and question that suspect without their attorney's approval.

(a) Separate the witnesses and suspect so as to obtain independent statements. (The citizen reporting the crime may be your suspect).

(b) If a weapon is recovered, document the area where it was found and give a detailed description of that weapon.

(c) If a suspect is arrested outside the crime scene, DO NOT return them back to the scene.

(d) If a suspect is arrested inside the crime scene, REMOVE them immediately from the immediate area and detain outside the primary scene.

(e) Document and preserve any evidence found on the suspect's person.

(f) Do not allow the suspect to wash their hands, go to the bathroom, or smoke.

(g) Document all spontaneous statements, do not interrogate.

(h) Observe and document the suspect's behavior, (nervous, erratic, emotional, unemotional, drunk, under the influence of narcotics, or any unusual behavior etc)

360.3.5 NOTIFICATIONS

Make notification of details to supervisors by using tactical radio channels or hard line telephones. The press and the general public monitor police radios.

Stand-by for investigators and advise what has transpired since the arrival of the first deputy.

360.3.6 DYING DECLARATIONS

Whenever a victim is transported to a hospital, a deputy should accompany the victim inside the transportation vehicle, e.g. ambulance, air evacuation, etc. The following should be ascertained and relayed to the victim.

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(a) The victim should know their name and where they are at the time of the declaration.

(b) The victim needs to be advised the seriousness of their injuries and advised they may die as a result of these injuries.

(c) The victim's statement can be written or oral. Record statement if possible.

(d) It is recommended a witness is present, but it is not necessary. The lack of a witness will not affect the admissibility of the victim's statement.

(e) Keep investigators advised of any developments while at the hospital.

(f) Recover all evidence at the hospital, e.g. clothing, bullet fragments, etc

360.3.7 VICTIM DOA AT THE SCENE

(a) Do not search the deceased for identification.

(b) As soon as possible remove witnesses from the scene, but not the immediate area.

(c) Separate witnesses from citizens and other potential witnesses.

(d) Document all witness statements.

(e) Do not give your opinions to witnesses, family members or discuss details of the incident with other deputies while you're near the news media.

360.3.8 NEWS MEDIA AT THE SCENE

(a) Do not allow the media access to the primary crime scene. A staging area should be set up for the media.

(b) Do not give statements to the media. Direct media to the patrol or investigations supervisors, or a designated public information officer.

(c) Do not allow suspects or any detained witnesses to talk with media personnel.

360.3.9 SUICIDES AND SUSPICIOUS DEATHS

(a) An investigator will be called on suicides involving firearms

(b) A Coroner Investigator will be called on all hanging deaths

(c) An investigator will be called on all juvenile suicides, regardless of means of death.

(d) An investigator will be called on suspicious deaths.

(e) Handle all suicides and accidental deaths as potential homicides.

(f) Secure the immediate scene and detain witnesses.

(g) Do not allow the removal of any evidence until photographed by C.S.I's or approved by investigators.

(h) If suicide is by hanging and death is evident, do not cut the deceased down. If the deceased is cut down because death is not evident, (CPR, First Aid) make the cut above the knot.

(i) If relatives are present obtain any background information which may assist investigators.

360.4 SHIFT SERGEANT'S RESPONSIBILITY AT DEATH SCENES

Patrol supervisors must respond to all death investigations prior to calling an investigator.

Patrol supervisors will note and make a detailed account of the circumstances surrounding the incident, then relay this information to the investigator, prior to their response.

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Updated information will aid the investigator with decisions regarding appropriate resource needs.

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Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application). Deputies should attempt to obtain all account numbers/statements, locations, financial institutions, video, and/or any other documents related to the crime.

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

    1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The deputy must include the basis of such a determination in a related report.

    2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

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Anti-Reproductive Rights Crimes Reporting

366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

366.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the El Dorado County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the El Dorado County Sheriff's Office's LEP services to LEP individuals.

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(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Manager of Public Safety Dispatch. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

El Dorado County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make

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every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

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(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of

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interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The El Dorado County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Central Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims,

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witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

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Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training coordinator shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the County ADA coordinator regarding the El Dorado County Sheriff's Office's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Manager of Public Safety Dispatch. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

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Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the El Dorado County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

El Dorado County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

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(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

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(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

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370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Central Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Sheriff or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed.

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.

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DNA Samples

374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

374.2 POLICY

The El Dorado County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

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(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR § 1059).

374.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR § 1059).

374.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

374.6.1 DOCUMENTATION RELATED TO FORCE

Supervisors shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

374.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

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374.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplain Program

376.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).

(f) Possess a valid California Drivers License.

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376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.

(b) Recommendation from their church elders, board, or council.

(c) Interview with Sheriff & Chaplain Supervisor

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Sheriff.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

(a) Assist in making notification to families of department members who have been seriously injured or killed.

(b) After notification, respond to the hospital or home of the department member.

(c) Visit sick or injured law enforcement personnel in the hospital or home.

(d) Attend and participate, when requested, in funerals of active or retired members of the Department.

(e) Assist sworn personnel in the diffusion of a conflict or incident when requested.

(f) Respond to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or Supervisor aids in accomplishing the Department's mission.

(g) Be on call and if possible, on duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Counsel deputies and other personnel with personal problems when requested.

(i) Attend department and academy graduations, ceremonies and social events and offer invocations and benedictions, as requested.

(j) Be responsible for the organization and development of spiritual organizations in the Department.

(k) Respond to all major disasters such as earthquakes, bombings and similar critical incidents.

(l) Provide liaison with other religious leaders of the community.

(m) Assist public safety personnel and the community in any other function of the clergy profession as requested.

(n) Participate in in-service training classes.

(o) Willingness to train to enhance effectiveness.

(p) Facilitate requests for representatives or ministers of other denominations promptly.

(q) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the El Dorado County Sheriff's Office.

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376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the El Dorado County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any El Dorado County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.8 COMMAND STRUCTURE

(a) Under the general direction of the Sheriff or his/her designee, chaplains shall report to the Senior Chaplain and/or Shift Sergeant.

(b) The Sheriff shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.

(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Sheriff. He/she will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

376.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with El Dorado County Sheriff's Office personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Sheriff or his designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe El Dorado County Sheriff's Office operations, provided the Shift Sergeant has been notified and approved of the activity.

(e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the El Dorado County Sheriff's Office unless otherwise authorized by the Sheriff or his designee.

(i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

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376.9.1 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this department.

376.10 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, deputy injury or death, and sensitivity and diversity, as approved by the Training coordinator.

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Child Safety Policy

380.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for deputies to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian (Penal Code § 833.2(a)).

380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The El Dorado County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation deputies should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, deputies should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any dependent minor children.

(b) Look for evidence of children. Deputies should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.

(c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, deputies should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, deputies should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

380.2.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Deputies should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

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decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
2. Except when a court order exists limiting contact, the deputy should attempt to locate and place dependent children with the non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Shift Sergeant of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

380.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

380.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

380.3 CHILD WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling deputy should consider taking children into protective custody and placing them with the appropriate county child welfare service or other department-approved social service (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child be transported to the sheriff's's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

380.4 TRAINING

The Training coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children participate, on a timely basis, in a

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POST-approved course on effective child safety when a parent or guardian is arrested (Penal Code § 13517.7).

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Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The El Dorado County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals may be of any type or breed and need not be certified by any governmental agency or service group.

Some service animals, such as guide dogs, may be readily identifiable but many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist individuals with disabilities.

The following examples are just some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people with disabilities who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with physical disabilities with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or to wake the person.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, find places or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Under the Americans with Disabilities Act, service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Employees are expected to treat individuals with service animals with the same courtesy and respect that the El Dorado County Sheriff's Office affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations the employee may direct the partner/handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action

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to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities and members of this department are expected to provide all services as are reasonably available to the individual with the disability.

If it is apparent or if the employee is aware the animal is a service animal, the handler/partner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Employees should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, deputies should take no enforcement action beyond keeping the peace and individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Right Division of the U.S. Department of Justice.

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Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Sheriff, or designee. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Sheriff's Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Sheriff's Office, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Sheriff's Office.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Sheriff's Office.

384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

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Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

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(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

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384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the El Dorado County Sheriff's Office with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

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(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an El Dorado County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

386.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Illness and Injury Protection Program

388.1 PURPOSE AND SCOPE

The health and safety of the employees of the El Dorado County Sheriff's Office is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the El Dorado County Sheriff's Office, in accordance with the requirements of CCR § 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

388.2 RESPONSIBILITY

The Administrative Services Supervisor, acting as the Department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

388.3 COMPLIANCE

The Administrative Services Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administrative Services Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.

(b) Recognizing employees who perform safe work practices.

(c) Ensuring that the employee evaluation process includes the employee's safety performance.

(d) Ensuring the Department's compliance with mandates regarding:

1. Bloodborne pathogens (8 CCR § 5193)
2. Airborne transmissible diseases (8 CCR § 5199)
3. Heat illness (8 CCR § 3395).
4. Respiratory protection (8 CCR § 5144).

Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Disciplinary Policy in this manual.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

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388.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

(a) The Administrative Services Supervisor will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:

1. New worker orientation, including a discussion of safety and health policies and procedures.
2. Regular employee review of the IIPP.
3. Workplace safety and health training programs.
4. Regularly scheduled safety meetings.
5. Posted or distributed safety information.
6. A system for workers to anonymously inform management about workplace hazards.
7. Establishment of a labor/management safety and health committee, which will:
   - (a) Meet regularly.
   - (b) Prepare a written record of the safety and health committee meeting.
   - (c) Review the results of periodic scheduled inspections.
   - (d) Review investigations of accidents and exposures.
   - (e) Make suggestions to management for the prevention of future incidents.
   - (f) Review investigations of alleged hazardous conditions.
   - (g) Submit recommendations to assist in the evaluation of employee safety suggestions.
   - (h) Assess the effectiveness of the Department's efforts to meet the following mandates:
     1. Bloodborne pathogens (8 CCR § 5193)
     2. Airborne transmissible diseases (8 CCR § 5199)
     3. Heat illness prevention (8 CCR § 3395).

388.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found at http://www.dir.ca.gov/DOSH/etools/09-031/tools.htm.

388.5.1 ADMINISTRATIVE SERVICES SUPERVISOR INSPECTION DUTIES

The Administrative Services Supervisor shall ensure an Identified Hazard and Correction Record (http://www.dir.ca.gov/DOSH/etools/09-031/IndHazCorRec.pdf) is completed for each inspection.

388.5.2 PATROL DEPUTIES INSPECTION DUTIES

Deputies are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Deputies shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Deputies should forward this report to their supervisor.

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388.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Administrative Services Supervisor when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Administrative Services Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

388.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken, using the Investigation/Corrective Action Report (http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf).

388.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the Administrative Services Supervisor via the chain of command.

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388.8 TRAINING AND INSTRUCTION

The Administrative Services Supervisor shall work with the Training coordinator to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- An explanation of the department's IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR § 3395).

388.9 RECORDKEEPING

The Administrative Services Supervisor will do the following to implement and maintain IIPP records:

(a) Make available the Identified Hazards and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.

(b) Make available the Investigation/Corrective Action Report (http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf) to document individual incidents or accidents.

(c) Develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.

(d) Retain inspection records and training documentation for a minimum of one year.

388.10 TRAINING SUBJECTS

The Administrative Services Supervisor should work with the Training coordinator to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention

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- Back exercises/stretches and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures
- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards
- Other job-specific hazards

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Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of El Dorado County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the El Dorado County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Detective Bureau Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the El Dorado County Sheriff's Office.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Section for distribution to all divisions within the Department through daily and special bulletins.

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400.2.2 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol Briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by deputies from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Racial/Bias Based Profiling

402.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

402.1.1 DEFINITION

Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

402.2 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f)).

(a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.

(b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the contact.
2. Nothing in this policy shall require any deputy to prepare documentation of a contact that would not otherwise involve such reporting.
3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a deputy in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The El Dorado County Sheriff's Office will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy.

402.3 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

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402.3.1 REASON FOR DETENTION

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

402.4 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.

(b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.5 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Section.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial and cultural trends (Penal Code § 13519.4(i)).

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Crime And Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Deputies shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, the deputy shall continue to do so until he/she is relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Evacuate the location as required.

(e) Secure the inner and outer perimeter if needed.

(f) Protect items of apparent evidentiary value.

(g) Identify potential witnesses.

(h) Start a chronological log noting critical times and personnel allowed access.

406.2.2 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

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406.3.1 CONSENT

Deputies should seek consent to search from authorized individuals where possible. When seeking consent deputies should audio record or complete a consent to search form and have the authorized individual sign the form. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

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Crisis Response Unit

408.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Bomb Squad, and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.2.1 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction

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practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures will be kept at the unit level.

408.3 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and department policy.

408.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous SWAT Basic training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

408.3.2 UPDATED TRAINING

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

408.3.4 SWAT ONGOING TRAINING

SWAT team training will be coordinated by the SWAT team Sergeant, consistent with the defined mission capabilities.

408.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.3.6 SCENARIO BASED TRAINING

The SWAT team should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Team Sergeant. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

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408.4 UNIFORMS, EQUIPMENT, AND FIREARMS

408.4.1 UNIFORMS

The SWAT team from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.4.2 EQUIPMENT

The SWAT team from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.5 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The CRU Lieutenant shall be selected by the Sheriff upon recommendation of staff.

408.5.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Operations Division Commander, the Crisis Response Unit shall be managed by the CRU Lieutenant.

408.5.2 TEAM SUPERVISORS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the CRU Lieutenant.

The following represent the supervisor responsibilities for the Crisis Response Unit.

(a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

408.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

408.6.1 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and

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Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

408.7.1 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Team Sergeant. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

408.8 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU chain of command.

408.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Shift Sergeant, he/she will notify the Lieutenant, Operations Division Commander, Undersheriff, or the Sheriff, as available.

408.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

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(c) Certain exceptional cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the CRU Lieutenant. Deployment of the El Dorado County Sheriff's Office Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander, Undersheriff or the Sheriff, as available.

408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the El Dorado County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the El Dorado County Sheriff's Office when working in a multi-agency situation.

408.8.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Team Sergeant for the Crisis Response Unit. The Team Sergeant shall then notify the CRU lieutenant. A current mobilization list shall be maintained in the Shift Sergeant's office by the Team Sergeant. The CRU Lieutenant will then notify the Operations Division Commander as soon as practical.

The Shift Sergeant should advise the CRU or SWAT team supervisor with as much of the following information which is available at the time :

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of deputies involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Lieutenant or SWAT team supervisor shall determine the appropriate level of response, and initiate the call out or response procedures and notify the Operations Division Commander, Undersheriff, or the Sheriff, as available."

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408.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

  1. Securing any subject or suspect who may surrender.
  2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should be transitioned to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the CRU Lieutenant on the situation.

(g) Plan for, and stage, anticipated resources.

408.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Lieutenant and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Lieutenant, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Lieutenant will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Lieutenant (or his or her designee) shall maintain communications at all times.

408.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

408.9 SWAT DEPLOYMENT MATRIX

Point total of 17 or above authorizes deployment of SWAT team.

Check only one block in each of the seven categories. The block checked should be the highest block that is applicable to the subject or the location.

POINTS	FACTS	SCORE
0	Search is for evidence or property crimes.	
1	Search is for drugs.	
2	Search is for evidence of crime against person.	
0	Arrest is for property crimes.	

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2	Arrest if for crime against person.	
3	Arrest is for drug possession/distribution	
0	Subject has property crime history only	
1	Subject has history of crime against persons.	
2	Subject has made statements regarding resisting.	
3	Subject has history of drug arrest/involvement.	
4	Subject has violent criminal history or 2 or more Felony Strikes.	
10	Subject has used firearms/explosives during a crime.	
0	Service does not require forced entry.	
1	Service requires minimal forced entry.	
3	Service requires use of ram or sledgehammer.	
10	Location is fortified, or guarded requiring special approach/breach.	
0	Availability of weapons is not known.	
2	Firearms are readily available at location.	
4	Subject(s) at location are suspected of carrying firearms.	
6	Subject(s) at location are always armed.	
0	Subject(s) at location are not known to be combative or resistive.	
8	Subject(s) at location have a history of assaulting or resisting officers.	
0	No known or suspected gang affiliation.	
2	Subject is a suspected gang member or affiliate.	
4	Subject is a known or validated gang member.	
	Total number of points:	

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408.9.1 PENAL CODE SECTION 633.8

As outlined in the below listed penal code section 633.8 The El Dorado County Sheriff's Office will maintain a list of qualified personnel in conjunction with the El Dorado County District Attorney's Office for the purposes of compliance with State Law.

PC§ 633.8. Legislative Intent; Use of Electronic Amplifying or Recording Device by Peace Officer During Emergency Situation That Involves Taking of a Hostage; Definitions

(a) It is the intent of the Legislature in enacting this section to provide law enforcement with the ability to use electronic amplifying or recording devices to eavesdrop on and record the otherwise confidential oral communications of individuals within a location when responding to an emergency situation that involves the taking of a hostage or the barricading of a location. It is the intent of the Legislature that eavesdropping on oral communications pursuant to this section comply with paragraph (7) of Section 2518 of Title 18 of the United States Code.

(b) Notwithstanding the provisions of this chapter, and in accordance with federal law, a designated peace officer described in subdivision (c) may use, or authorize the use of, an electronic amplifying or recording device to eavesdrop on or record, or both, any oral communication within a particular location in response to an emergency situation involving the taking of a hostage or hostages or the barricading of a location if all of the following conditions are satisfied:

1. The officer reasonably determines that an emergency situation exists involving the immediate danger of death or serious physical injury to any person, within the meaning of Section 2518(7)(a)(i) of Title 18 of the United States Code.
2. The officer reasonably determines that the emergency situation requires that the eavesdropping on oral communication occur immediately.
3. There are grounds upon which an order could be obtained pursuant to Section 2516(2) of Title 18 of the United States Code in regard to the offenses enumerated therein.

(c) Only a peace officer who has been designated by either a district attorney in the county where the emergency exists, or by the Attorney General to make the necessary determinations pursuant to paragraphs (1), (2), and (3) of subdivision (b) may make those determinations for purposes of this section.

(d) If the determination is made by a designated peace officer described in subdivision (c) that an emergency situation exists, a peace officer shall not be required to knock and announce his or her presence before entering, installing, and using any electronic amplifying or recording devices.

(e) If the determination is made by a designated peace officer described in subdivision (c) that an emergency situation exists and an eavesdropping device has been deployed, an application for an order approving the eavesdropping shall be made within 48 hours of the beginning of the eavesdropping and shall comply with the requirements of Section 629.50. A court may grant an application authorizing the use of electronic amplifying or recording devices to eavesdrop on and record otherwise confidential oral communications in barricade or hostage situations where there is probable cause to believe that an individual is committing, has committed, or is about to commit an offense listed in Section 2516(2) of Title 18 of the United States Code.

(f) The contents of any oral communications overheard pursuant to this section shall be recorded on tape or other comparable device. The recording of the contents shall be done so as to protect the recording from editing or other alterations.

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(g) For purposes of this section, a "barricading" occurs when a person refuses to come out from a covered or enclosed position. Barricading also occurs when a person is held against his or her will and the captor has not made a demand.

(h) For purposes of this section, a "hostage situation" occurs when a person is held against his or her will and the captor has made a demand.

(i) A judge shall not grant an application made pursuant to this section in anticipation that an emergency situation will arise. A judge shall grant an application authorizing the use of electronic amplifying or recording devices to eavesdrop on and record otherwise confidential oral communications in barricade or hostage situations where there is probable cause to believe that an individual is committing, has committed, or is about to commit an offense listed in Section 2516(2) of Title 18 of the United States Code, and only if the peace officer has fully complied with the requirements of this section. If an application is granted pursuant to this section, an inventory shall be served pursuant to Section 629.68.

(j) This section does not require that a peace officer designated pursuant to subdivision (c) undergo training pursuant to Section 629.94.

(k) A peace officer who has been designated pursuant to subdivision (c) to use an eavesdropping device shall cease use of the device upon the termination of the barricade or hostage situation, or upon the denial by a judge of an application for an order to approve the eavesdropping, whichever is earlier.

(l) Nothing in this section shall be deemed to affect the admissibility or inadmissability of evidence.

(Added by Stats. 2010, AB 2210, Ch. 380, Sec. 1. Efective January 1, 2011.)

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Ride-Along Policy

410.1 PURPOSE AND SCOPE

The purpose of the El Dorado County Sheriff's Office Ride-along program is to encourage community involvement in Law Enforcement and to educate the public by opening up the lines of communication within the community. The ride-along program promotes a better understanding of the challenges, risk and rewards of the Deputy's role in the community.

410.1.1 ELIGIBILITY

The Ride-along Program is available on most days of the week, with certain exceptions as determined by the Patrol Lieutenant.

(a) Applicants must be 18 years of age (14 1/2 for Sheriffs Explorers) or older at the time the application is submitted. Applicants 16 years of age or older may apply under the following guidelines. The applicant must be currently enrolled in a Regional Occupational Program or similar program that emphasized law enforcement. The applicant will need a recommendation from the programs facilitator and a signed waiver from their parent or guardian. All applications shall be evaluated for approval by the Watch Commander or Appointee. All applications shall be evaluated for approval by the Watch Commander or Appointee.

(b) Applicants must not currently be under a drivers' license suspension or revocation from the Department of Motor Vehicles.

(c) Applicants must not have outstanding warrants for their arrest.

(d) Applicants shall be free of any recent major or habitual violations of the law, including drug usage or other activities or associations that would be considered contrary to law enforcement ethics or compromise law enforcement operations.

(e) Applicants must be of good moral character.

(f) Applicants must be able to effectively communicate with deputies, dispatch, and other law enforcement personnel to understand dispatch or deputy instructions and to use the radio to summon assistance in an emergency situation.

(g) Applicants with medical conditions that may manifest themselves or possibly be affected by a ride-along will be required to submit written consent from a medical doctor. This requirement is intended to ensure that all participants are able to adequately assist in emergency situations by performing needed functions, such as quickly exiting the vehicle, running, laying flat on the ground, and using the patrol vehicle radio without compromising the safety or law enforcement mission of the deputy.

(h) Any Applicant known to be under the influence of alcohol or medications that may impair judgment or safety shall not be accepted for a ride-along.

(i) Preference for scheduling will be given to the residents of El Dorado County.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Requests for applications or information relative to the program should be directed to he Community Services Officer assigned to the Patrol Services Division, who shall coordinate with the Division Commander or designee.

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(a) Sheriffs Explorers shall have a Ride-along waiver form pre-authorized by the Explorer Coordinator, prior to requesting a Ride-along.

(b) The applicant shall be notified by the Patrol Services Lieutenant, scheduling sergeant, or designee, of the date and time scheduled for their participation.

410.2.1 PROGRAM REQUIREMENTS

An effort will be made to ensure that no more than one citizen will participate in a Ride-along during any given time period. Normally, no more than one Ride-along will be allowed in the deputy's vehicle at a given time.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the El Dorado County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

410.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time. The Administrative Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-along waiver form shall be returned to the Administrative Sergeant with any comments which may be offered by the deputy.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the deputy

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

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(c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

410.5 HOST DEPUTIES

(a) Participants not authorized to receive confidential information shall not attend briefing, however, will be introduced at the close of briefing.

(b) The Host Deputy shall have complete control over participants.

(c) Participants are not permitted to become involved in any investigation by handling evidence, discussion with victims and/or suspects, or handling police equipment.

(d) The Host Deputy shall respond to calls in a safe manner, providing as much information to the participant as possible.

(e) The participant should be able to witness as much enforcement activity as possible. Participants will be restricted to the patrol vehicle unless the deputy feels that they will not be in danger, interfere in the handling of the call, or unduly embarrass the victim by their presence.

(f) At the completion of the Ride-along, the Host Deputy shall sign and make any comments on the application. The application shall then be routed to the Community Services Officer assigned to Patrol Services, where it will be filed. The application shall be maintained for three years from the date of participation, at which time it will be destroyed, in the event the participant is injured, a copy of the application will be maintained with any reports that are generated.

410.6 FREQUENCY OF PARTICIPATION

(a) Visiting sworn personnel shall be permitted to participate twice annually, however, shall be no less than six months apart.

(b) Sheriffs Correctional Officers and Academy Cadets may participate a maximum of once every three months, not to exceed four per twelve-month period.

(c) Representatives of ancillary agencies shall be permitted to participate once annually.

(d) Sheriffs Office civilian employees shall be permitted to participate twice annually for orientation purposes or established business necessity. The exceptions will be Sheriffs Explorers, and employees of Central Dispatch, who will be if permitted to participate for orientation purposes as follows:

1. Dispatchers and Explorers may participate a maximum of once every three months, not to exceed four per twelve-month period.
2. Dispatch trainees may participate a maximum of one Ride-along every two weeks throughout their training phases. Upon completion of training, the dispatcher schedule listed above shall be followed.

(e) Community members may participate twice annually.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Respond from uphill/upwind - remain outside the contaminated zone, avoid being in the path of the hazardous material spill.

(b) Assess the situation:

1. Size and type of spill;
2. Number of people contaminated - initial reactions (burning, breathing difficulty, etc.);
3. What is the immediate, short and long term threat.

(c) If safe, attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).

(d) Notify Ofice of Emergency Services and summon as much assistance as will be needed.

(e) Provide first-aid for injured parties if it can be done safely and without contamination

(f) Establish a command post and staging area

(g) Establish a unified command (ICS) with Fire and HAZMAT, and other agencies with jurisdictional responsibility

(h) Tactical considerations:

1. Isolate the area
2. Evacuate threatened populations
3. Provide care and shelter
4. Demobilization of teams.

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412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

414.1.1 DEFINITIONS

Hostage - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - A person who takes a position of cover or concealment or maintains a position in a structure or vehicle and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first deputy on the scene of an actual or potential hostage/barricade situation shall consider the following:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel

(b) Notification of tactical and hostage negotiation personnel

(c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots

(d) Establishment of inner and outer perimeters

(e) Evacuation of bystanders and injured persons

(f) Establishment of central command post and appropriate chain of command

(g) Request for ambulance, rescue, fire and surveillance equipment

(h) Authorization for news media access and news media policy

(i) Pursuit/surveillance vehicles and control of travel routes

414.4 REPORTING

Unless otherwise relieved by a supervisor, the initial deputy at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response toincidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) [redacted]

(c) As much information as is available should be promptly relayed to the Shift Sergeant including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) [redacted]

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.

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- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department
(b) Bomb Squad
(c) Additional deputies
(d) Field supervisor
(e) Shift Sergeant
(f) Detectives
(g) Forensic Science Services

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat call be received at the sheriff's facility.

416.4.1 [redacted]

[redacted]

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[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

416.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Shift Sergeant will be advised and fully informed of the details. The Shift Sergeant will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate.

The initial responding deputy will act as the incident commander until relieved by proper authority (Field Supervisor, Bomb Squad).

[redacted]

[redacted]

(c) The officer responding to a bomb threat call from buildings other than those occupied by Sheriff's personnel shall assist in an advisory capacity and coordinate the search activity. Store/building personnel shall conduct this search as they are familiar with the area to be searched and can more easily recognize an unusual or out-of-place item.

(d) The decision to evacuate is the responsibility of the facility manager.

[redacted]

(f) Officers shall not declare an area clear of an explosive device. There can be no guarantees made that the device is not secreted somewhere.

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Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes a deputy's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If a deputy believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY

Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the deputy, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the deputy, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 DEPUTY CONSIDERATIONS AND RESPONSIBILITIES

Any deputy responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing the following as time and circumstances reasonably permit:

(a) Any available information that might assist in determining the cause and nature of the mental illness or developmental disability.

(b) Conflict resolution and de-escalation techniques.

(c) Language that is appropriate for interacting with a mentally disabled person.

(d) If circumstances permit, alternatives to deadly force.

(e) Any available community resources that can assist in dealing with a mentally disabled individual.

418.3.1 TRANSPORTATION

When transporting any individual for a 5150 commitment, the handling deputy should have Central Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Deputies may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The deputy will escort the patient into the facility and place that person in a designated treatment room as directed

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by a staff member. As soon as a security staff member becomes available, he/she should relieve the deputy and physically remain in the treatment room with the patient.

418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the deputy will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The deputy will complete an Application For 72-Hour Detention for Evaluation Treatment form (MH-302) and provide it to the staff member assigned to that patient. The deputy will retain a copy of the 72-hour evaluation for inclusion in the case report. The deputy shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

418.3.4 SECURING OF WEAPONS

Firearms at the Psychiatric Health Facility

Deputies and Correctional Officers will routinely be unarmed while guarding an inmate of the jail, an arrestee, or a 5150 commit, at the Psychiatric Health Facility (PHF). Firearms shall be secured in their vehicles or in gun-safes at PHF.

If exigent circumstances are present, Correctional Officers and Deputies may remain armed or rearm themselves. As soon as practicable, Correctional Officers and Deputies shall advise their respective Duty Sergeants of these circumstances.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the El Dorado County Sheriff's Office Jail before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling deputy should seek to determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent) (Penal Code § 1524).

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 19100; 21310.

The deputy taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 33800).

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The handling deputy shall further advise the person of the below described procedure described below for the return of any firearm or other deadly weapon which that has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 19100; 21310.

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) Whenever the handling deputy has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

418.6 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.

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Cite & Release Policy

420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Shift Sergeant approval.

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Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed below.

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The El Dorado County Sheriff's Office shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.

1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting deputy, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the deputy may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.

(j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

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When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Arresting Officer for approval and included with the case file in the Records Section.

420.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the Shift Sergeant shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record

(b) The person lacks ties to the area, such as a residence, job, or family

(c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation

420.3.5 INSTRUCTIONS TO CITED PERSON

The citing deputy shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence

(b) The misdemeanor cited in the warrant involves a firearm

(c) The misdemeanor cited in the warrant involves resisting arrest

(d) The misdemeanor cited in the warrant involves giving false information to a peace deputy

(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics

(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety

(g) The person has other ineligible charges pending against him/her

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person

(i) The person refuses to sign the notice to appear

(j) The person cannot provide satisfactory evidence of personal identification

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

420.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number

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to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

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Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State website.

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

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agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Emergency Management Agency (Cal EMA).

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the deputy has reason to question the legitimate possession of the license plate.

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422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

(a) Identification documents are to be requested of the claimant

(b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear

(c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established

(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word Refused shall be entered in the signature box, and the violator shall be released

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain

(f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter

(g) The violator shall be provided with the appropriate copy of the notice to appear

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the deputy or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an

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individual claims immunity and cannot present satisfactory identification, the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions	Office of the Foreign Missions
San Francisco, CA	Los Angeles, CA
(415) 744-2910, Ext. 22 or 23	(310) 235-6292, Ext. 121 or 122
(415) 744-2913 FAX	(310) 235-6297 FAX
(0800-1700 PST)	(0800-1700 PST)
Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by California Emergency Management Agency (Cal EMA), local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

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422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have D coded in the license class box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours whether or not the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Shift Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance

(c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.

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- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the deputy shall contact Central Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Deputies shall provide Central Dispatch with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, deputies shall provide Central Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Central Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

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Rapid Deployment Team Policy

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action deputies should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more deputies whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the deputies have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

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(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the El Dorado County Sheriff's Office.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Sergeant. If the request is of an emergency nature, the deputy shall notify Central Dispatch before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the El Dorado shall notify his or her supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Sergeant as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.

Exception: Routine assistance to adjoining county agencies (Meeks Bay deputy assisting Placer County Sheriff's Office personnel in Tahoma and Homewood) requires notification to Central Dispatch only.

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Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

428.3.2 SWEEPS

The El Dorado County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

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428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

428.3.6 BOOKING

If the deputy is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever a deputy has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into county jail, the arresting deputy shall cause ICE to be notified for consideration of an immigration hold.

If a deputy has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the county jail, ICE may be informed by the arresting deputy so that ICE may consider placing an immigration hold on the individual.

In making the determination whether to notify ICE in such circumstances, the deputy should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

(a) Seriousness of the offense

(b) Community safety

(c) Potential burden on ICE

(d) Impact on the immigrant community

Generally, deputies will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

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428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The El Dorado County Sheriff's Office is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if a deputy suspects that a victim or witness is an undocumented immigrant, the deputy need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict deputies from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. §1373 and 8 U.S.C. § 1644).

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Detective Bureau sergeant assigned to supervise the handling of any related case. The Detective Bureau sergeant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

428.4.2 HUMAN TRAFFICKING T-VISA

Deputies and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

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Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft accident the employee responsibilities are as follows:

434.2.1 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft accident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,

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the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a accident as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

434.2.3 CENTRAL DISPATCH RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department

(b) The affected airport tower

(c) Closest military base if a military aircraft is involved

(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Sheriff's Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.2.4 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics

(b) Forward a copy of the report to the Operations Division Commander and the manager of the affected airport

434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

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Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

434.3 DOCUMENTATION

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented.

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Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the El Dorado County Sheriff's Office.

It is the policy of this department to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of three (3) years of patrol experience, one (1) of which shall be with this Department.

(c) Complete a formal process as designated by the Sheriff

(d) Evaluation by supervisors and current FTO's

(e) Possess a POST Basic certificate

(f) Demonstrated ability as a positive role model

436.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update and issue the Field Training Manual to each trainee

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(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR § 1004(c)).

436.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the El Dorado County Sheriff's Office who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the El Dorado County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the El Dorado County Sheriff's Office.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

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436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End of phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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Sheriff's Responsibilities - Major Fires

437.1 PURPOSE AND SCOPE

The purpose of this policy is to define the role of the Sheriff's Office at the scene of major fires within the County area. It is emphasized that this policy is not intended in any way to infringe on the areas of responsibility of the various fire departments. The timely arrival of a Sheriff's unit is to:

(a) Provide an on-scene emergency responder at the earliest possible time since the Sheriff's unit may be more proximate to the fire scene than the fire department.

(b) Provide the earliest opportunity for the Sheriff's Office to exercise its areas of jurisdiction as set forth below.

437.2 OVERALL SHERIFF'S OFFICE RESPONSIBILITIES

The following are the responsibilities of the Sheriff's Office at the fire scene:

(a) CROWD CONTROL: Crowd and spectator control at the fire scene is the responsibility of the Sheriff's Office by the enforcement authority of Penal Code § 409.5.

(b) TRAFFIC CONTROL: Traffic control will normally be referred to the California Highway Patrol. However, if the California Highway Patrol is not on-scene or does not have sufficient units available for the commitment, Sheriff's Deputies may provide traffic control as requested or as necessary.

(c) EVACUATION: The Sheriff's Office is the scene manager for major evacuation. Though the first priority of the fire department is fire suppression, fire department personnel, if available, may assist in evacuation if necessary. The Sheriff's Office has authority to close an area and compel evacuation via Penal Code § 409.5. Under this same Section, the Sheriff's Office may arrest unauthorized persons who enter an area closed due to disaster.

(d) PRE-EVACUATION WARNINGS ASSISTANCE: the Sheriff's Office assumes this responsibility since it closely coincides with evacuations and is consistent with the authority set forth in Penal Code § 409.5. Fire departments can assist in public warnings of pre-evacuations are requested or as necessary.

437.3 DECISION TO EVACUATE

No specific or single agency has the legislated responsibility to make the decision to evacuate. It is anticipated that under the incident command system concept of unified command that such a decision will be arrived at through the utilization of the expertise of the agency representatives present at the Command Post site. In a situation in which the Sheriff is Incident Commander (such as a barricaded suspect situation), the decision will rest entirely within the scope of the Sheriff's Office authority. In a situation in which the Sheriff is not the Incident Commander the final decision to evacuate will come from the Incident Commander. Once such a decision is made, the Sheriff's Office assumes full authority and responsibility to implement evacuation.

437.3.1 NOTIFICATION

As soon as the probability of evacuation arises, the following are to be contacted to respond to the scene: the on-duty Patrol Sergeant, Patrol Lieutenant and/or the Patrol Captain.

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Immediately following the above notifications, the Undersheriff, Sheriff and the El Dorado County Office of Emergency Services are to be notified. These notifications are to be made at the point where it is decided to warn residents of the possibility of evacuation.

437.3.2 CLASSIFICATIONS OF EVACUATION

For the purpose of the Sheriff's Office, evacuations shall be divided into two stages:

(a) Voluntary (precautionary) evacuation: In this situation a warning is given to persons within the affected area that a threat of life and property exists. Persons issued this type of warning are not required to evacuate.

(b) Mandatory evacuation: A warning is given to persons within the affected are that an imminent threat to life and property exists. Persons issued this type of warning must evacuate in accordance with the directions of the on-scene deputies.

1. A deputy's judgment might be questioned if an attempt was made to "force" an occupant from his residence when, after being notified, he states that he wishes to remain and protect his property. Additional verbal persuasion should be employed when a life-endangering situation is imminent. If this fails, an "Evacuation Refusal Form" should be filled out by the deputy and a copy given to the resident. In extreme cases sufficient legal authority exists under Penal Code § 148 of the to make an arrest, however, extreme caution must be exercised in utilizing this method of removal.
2. NOTE OF CAUTION: Although we want to give ourselves as much lead-time as possible to carry out our mission, premature evacuations are not the answer. Therefore, the situation must be carefully assessed using all available resources.

437.3.3 PRELIMINARY EVACUATION FACTORS

(a) Prior to the announcement of the decision to evacuate, either voluntary or mandatory, the following issues must be anticipated and determined to the maximum extent possible:

1. The area to be evacuated based on the incident conditions.
2. Available evacuation routes.
3. The available means of notification.
4. The personnel available to carry out the evacuation.
5. The time available.
6. Location of evacuation centers (Contact Office of Emergency Services for evacuation center location).

437.3.4 PROCEDURES

(a) The ranking Sheriff's officer in charge is responsible for the accomplishment of the following objectives:

1. A situation estimate. In incidents in which the Sheriff's Office is not the Incident Commander, this estimate will, if necessary, have to come from the Incident Commander.
2. Establishment and maintenance of a perimeter around the affected area.
3. Door-to-door communication to persons within the affected area warning them to leave and giving the location of evacuation center(s).

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4. Interior patrol of the evacuated area, if appropriate.
5. Additional departmental personnel and resources needed at the scene.
6. Location of the "staging area" for departmental personnel.
7. Location of Command Post and radio designation of the Command Post as well as the scene deputies.
   (a) Even though a Command Post may already have been established, it will usually prove advantageous to respond the Sheriff's mobile Command Post to the scene especially if the incident has any potential for a lengthy duration.
8. Designate a Law Branch Director. Normally this will be a Sergeant, however, in an incident of major magnitude this can be a Lieutenant or above. The Sheriff's Incident Commander or agency representative should remain with the Command Post.

437.3.5 SPECIFIC EVACUATION PROCEDURES

The area to be evacuated shall be divided into sectors. Deputies shall be assigned to evacuate specific sectors, beginning closest to the incident and moving outward from it.

(a) Use door knocks, siren, public address system, etc. as appropriate.
(b) Maintain a record of each contact and/or no answer. Ask neighbors about any deaf, infirm or invalid person who may not have responded to a door knock.
(c) Advise residents of the type of evacuation (voluntary/ mandatory).
(d) Advise residents of the best available routes out of the area.
(e) Advise residents of the location of the evacuation center (s), if known.
(f) Advise residents of the time remaining before the situation becomes critical and the estimated duration of the emergency if known or can be reasonable estimated.

437.3.6 POST EVACUATION PROCEDURES

(a) Once the evacuation has been completed, the ranking Sheriff's officer in charge shall take the appropriate action to close the area:
   1. No access. Prohibits unauthorized persons into the closed area.
   2. Limited access. Allows persons into the closed area according to criteria established by the Incident Commander such as:
      (a) Residents with valid identification indicating residency in the affected area.
      (b) Public utility employees.
      (c) Owners, managers, and/or employees of businesses within the closed area.

Generally there is not authority to prohibit media with valid identification from entering a closed area. They should be warned of the danger and allowed to proceed.

437.4 COMMUNICATION

If possible, secondary frequencies and/or CLEMARS should be utilized during evacuation operations.

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437.5 ARSON INVESTIGATION

The Sheriff's Office will initiate the appropriate report and investigation when fire personnel have determined that the cause of a fire is arson. Follow-up investigation will be handled by the appropriate Sheriff, CDF, USFS and/or fire department arson investigators.

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Detentions And Photographing Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS

Detention - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field Interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

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(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the El Dorado County Sheriff's Office to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

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

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

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

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

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

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

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(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by deputies of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs will be retained in compliance with this policy.

440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

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If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Shift Sergeant will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

440.7.1 PURGING THE FIELD PHOTO FILE

The Records Manager will be responsible for ensuring that photographs maintained by the Records Section that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the El Dorado County Sheriff's Office and the booking file remains in the Records Section.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Sheriff who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Sheriff or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Sheriff, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Sheriff to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Sheriff or his/her designee to discuss the matter.

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After carefully considering the information available, the Sheriff or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and El Dorado County Sheriff's Office policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Sheriff or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Sheriff or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or El Dorado County Sheriff's Office policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Sheriff or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or El Dorado County Sheriff's Office policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Sheriff or his/her designee determines that any involved El Dorado County Sheriff's Office personnel violated existing law or department policy, the Sheriff or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Sheriff's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code § 186.20 through Penal Code § 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

442.2 DEFINITIONS

Pattern of Criminal Gang Activity - The commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Enforcement Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2 of this policy.
4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Gang Enforcement Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

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1. An individual admits membership in a criminal street gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the deputy documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and a deputy has established that there is reasonable suspicion that the individual is involved in criminal activity. A deputy's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information.

(b) Gang name.

(c) Justification used to identify an individual as a criminal street gang participant.

(d) Vehicle(s) known to be used.

(e) Cross references to other identified gangs or gang members.

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442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Gang Unit Supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Gang Unit Supervisor.

442.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Sheriff may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into a department approved criminal gang intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Section after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Section Supervisor to retain reports and FIs in compliance with the procedures of the department approved criminal gang intelligence database and 28 C.F.R. § 23.20. The Records Section Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

Deputies who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

442.7 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity

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or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

442.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the deputy's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request to that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

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Central Dispatch Policy

443.1 PURPOSE AND SCOPE

The primary responsibility of Central Dispatch is to receive and dispatch calls for service. Part of that responsibility includes tracking all available personnel and acting as a resource for deputies.

443.2 PROCEDURE

All department personnel, both on and off duty, will only call Central Dispatch on the phone when absolutely necessary. The only calls to Central should be strictly business-related calls that cannot be accomplished over the air. The following reasons to call Central are no longer acceptable justification to take a dispatcher from their primary responsibility.

(a) Advise Code 7 or out of service at a specific number

(b) Otherwise advise of status

(c) Check status of individual deputies or sergeants

(d) Directions to a call

(e) Clarify information on a call, or repeat a call apparently not previously understood

(f) Request case numbers or times of a call

(g) Question why they are being sent to a particular call

All of the above can, and should be conveyed on the air. Dispatch, fellow deputies and sergeants all need to know the status of the individual units and what they are doing.

Should on-duty personnel need to call dispatch on the phone, there is no need to talk to the particular dispatcher assigned to your particular frequency. Doing so takes that dispatcher away from their primary responsibility. Any dispatcher or call-taker can provide the necessary information.

Off-duty personnel have even fewer reasons to call Central (e.g., obtaining personal phone numbers). Off-duty personnel should not inquire about an incident in which they do not have an immediate business necessity to become involved.

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Mobile Audio Video Procedure

446.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office has equipped marked patrol units with a Mobile Audio & Video (MAV) recording system. The MAV is designed to assist and compliment patrol deputies in the performance of his/her duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the deputy's report. The MAV is designed to capture video and audio best when within sight of the cameras mounted in the patrol unit. The MAV microphone has a limited range and reduced quality as the distance from the vehicle increases. Audio recording when out of sight (range) of the MAV should be accomplished by using the department issued handheld digital audio recorder.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 DEPUTY RESPONSIBILITIES

Deputies shall test the MAV system at the start of each shift.

Deputies shall report any malfunction of the MAV by ensuring the unit is written up for repairs.

446.3 ACTIVATION OF THE MAV

The system is designed to activate when the unit's emergency lights are activated, at excessive speed, as a result of a crash and manual activation.

446.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the MAV system is appropriate. In addition to the required situations, deputies may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. The activation of the MAV system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within visual range of the MAV, which includes:

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1. Vehicular pursuits
2. Suspicious vehicles
3. Arrests
4. Pedestrian checks
5. DUI investigations including field sobriety tests
6. Consensual encounters
7. Responding to an in-progress call to include any and all CODE 3 driving

(b) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, and is within visual range of the MAV such as:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(d) Any other circumstances where the deputy believes that a recording of an incident would be appropriate

Once the MAV system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive or when the deputy has a reasonable belief that continued recording will not yield any video or audio of evidentiary value.

446.3.2 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

446.4 REVIEW OF MAV RECORDINGS

Recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of deputy conduct

(b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(c) By department personnel to review their own recordings for official purposes.

(d) By court personnel through proper process or with permission of the Sheriff or his/her designee

(e) By media personnel with permission of the Sheriff or his/her designee

(f) Recordings may be shown for the purposes of training value. If an involved deputy objects to the showing of recording, his/her objection will be submitted to staff to

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determine if the training value outweighs the deputy's objection for not showing the recording.

Employees desiring to view any MAV recording (excluding their own as described in "c" above) shall submit a request in writing to the Shift Sergeant.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

446.5 DOCUMENTING MAV USE

Any incident that was recorded with either the video or audio system, and is determined by the deputy to have evidentiary value, shall be documented in the deputy's report accompanied with a property record. The deputy shall mark the evidence box and record the case number on the video's incident page.

If a citation was issued, a notation shall be made on the video indicating the citation number or case number corresponding to the event.

446.6 VIDEO MEDIA STORAGE & INTEGRITY

All "routinely recorded" video data (Govt. Code section 26202.3) is stored in a secure file system and is confidential. All video recordings not booked in as evidence will be retained for a minimum of two years after which time they will be erased.

446.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Sheriff or his/her designee.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of two years after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

446.7.1 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the El Dorado County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved by marking the evidence check box corresponding with the video.

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Automatic Vehicle Locating System

447.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the implementation and use of the Automatic Vehicle Locating System. The system is designed to increase officer safety by providing the ability to locate personnel who have lost contact with dispatch or other deputies. It is also intended to enhance coordination and resource management during tactical situations.

447.2 POLICY

The Automatic Vehicle Location System should be installed in all marked patrol vehicles. If inventory allows, it will also be installed in Transportation vehicles, and other vehicles at the discretion of the Sheriff.

The system shall be configured so that it is "on" any time either the ignition or radio power switch is on. Once a unit and vehicle is in-service, the system should remain on.

Personnel shall not tamper with the power supply, or in any way attempt to disable the AVL unit or alter its function.

447.3 ACCESS

The system includes a mapping capability to enable the viewing of maps showing the location of other units on MDC screens in the patrol vehicles.

Dispatch will have the ability to monitor the current location of all vehicles.

The AVL system has the ability to keep a historical record of the location of all equipped vehicles. Historical data shall be maintained for two years, or longer at the discretion of the Sheriff. Access to historical data by others shall require authorization by the Division Commander of the individual or vehicle being researched.

447.4 USE

The system automatically reports unit positions at varying intervals, based on a number of factors. Normal position reporting is every two to four minutes. Reporting frequency will change based on:

(a) Activation of emergency equipment (i.e. lights, siren)

(b) the number of units in-service

(c) changes in location

(d) vehicle speed

(e) manual position marked by operator

(f) other technical factors

Deputies will have the ability to manually mark their position. The ability can be used to mark location where events occurred, for instance, in a pursuit. A marker could be manually entered to identify where an object was tossed from a pursued vehicle, or where a stationary object was struck, etc, enabling a return to the specific location.

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447.5 EMPLOYEE RESPONSIBILITIES

The AVL system operates on a combination of radio and cell phone systems. As such, technical issues could occasionally affect its ability to function as intended. Personnel should, therefore, always keep Dispatch informed of their status and locations. While information from the system will be available to them, dispatchers will not be responsible to routinely monitor unit location and status using the system, and deputies should never expect them to do so. It is important for deputies to continue the current practice of radio notifications to dispatch during emergency operations. Dispatch will continue to assign calls pursuant to their operational policy.

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Mobile Data Computer Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth standardized procedures and guidelines for users of Mobile Data Computer's (MDC's). The MDC accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

448.2 MDC USE

The MDC shall be used for official sheriff's communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Shift Sergeant.

448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact;

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

448.2.3 STATUS CHANGES

Change Status function(as outlined in patrol procedure 11-05) allows a deputy to change his/her status silently. The changes performed prior to clearing a call will be linked to the call for service and tracked as part of the call documentation. Common usage of this feature would include a deputy placing themselves enroute status to jail, fuel, report writing and out at the office. Once at the location the deputy would change the status to "out at". Note if transporting a subject of the opposite sex, mileage should be given in the status box.

Code Three Notification (upper right hand corner of MDC). The purpose of this feature is to allow subsequent units to silently enroute themselves "Code 3" to calls for service

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as outlined in Policy 316. The first two units are required to voice their response "Code 3", status and location, which will be acknowledge by the dispatcher and then the shift supervisor. It is the responsibility of the responding deputies to activate and deactivate their "Code 3" button, however the dispatcher shall and after allowing the deputy a reasonable amount of time(20-30 seconds) update the response status if the deputy does not. All subsequent responding "Code 3" units should use their "Code 3" buttons on MDC to notify dispatch and the sergeant of their "Code 3" response.

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDC system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC

Whenever possible, deputies will not use units with malfunctioning MDC's. Whenever deputies must drive a unit in which the MDC is not working, they shall notify Central Dispatch. It shall be responsibility of Central Dispatch to record all information that will then be transmitted verbally over the sheriff's radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, deputies will turn off their MDC's and all other electronic equipment by turning off the master power switch. Operating the MDC may cause some devices to detonate.

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Use of Audio Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy).

450.2 UNIFORMED DEPUTY RESPONSIBILITIES

Prior to going into service, each uniformed deputy will be responsible for making sure that he/she is equipped with a departmentally issued audio recorder in good working order.

450.3 NON-UNIFORMED DEPUTY RESPONSIBILITIES

Any deputy assigned to non-uniformed positions may carry a departmentally issued audio recorder at any time the deputy believes that such a device may be beneficial to the situation.

At the beginning of any recording, the deputy shall dictate his/her name, serial number and the current date and time. At the conclusion of the date or particular shift, the deputy shall record the ending date and time.

Each deputy shall be responsible for maintaining his/her own recordings until the media has been uploaded in ACIS.

450.4 ACTIVATION OF THE AUDIO RECORDER

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

(a) No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with a deputy's right to openly record any interrogation pursuant to Government Code § 3303(g).

(b) Any member of this department may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation.

1. For the purpose of this policy, any deputy contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed deputy wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.

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(c) Members of the Department are encouraged to activate their recorders at any time that the deputy reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.

1. At no time should a deputy jeopardize his/her safety in order to activate a recorder or change the recording media.
2. Deputies are prohibited from utilizing department recorders and recording media for personal use.

450.5 RETENTION OF RECORDING MEDIA

At any time that a deputy records any portion of a contact which the deputy reasonably believes constitutes evidence in a criminal case; the deputy shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

(a) The deputy shall further note in any related report that the recording has been placed into evidence.

(b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

450.5.1 NON-CRIMINAL MATTER

At any time that a deputy reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the deputy may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

(a) Under such circumstances, the deputy shall notify a supervisor of the existence of the recording as soon as practicable.

(b) Recording media which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g., internal investigation, civil litigation).

Once any recording medium has been filled, the deputy shall place it into safekeeping or download the file in accordance with current procedure for storing digital files where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

450.6 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of deputy conduct

(b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation

(c) By the personnel who originally recorded the incident

(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case

(e) By media personnel with permission of the Sheriff or authorized designee

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450.7 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

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Foot Pursuit Policy

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy, the public or the suspect.

458.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

458.2 DECISION TO PURSUE

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Canine search.

(c) Saturation of the area with patrol personnel.

(d) Aerial support.

(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to

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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory

(b) When the deputy is acting alone.

(c) When two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.

(g) When the deputy loses radio contact with Central Dispatch or with backup deputies.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of his/her firearm or other essential equipment.

(l) The deputy or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt

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to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Central Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

458.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

458.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, when possible, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

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458.4.4 CENTRAL DISPATCH RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practicable, notify the field supervisor and provide available information. Central Dispatch personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing deputy as needed.

(c) Relay all pertinent information to responding personnel.

(d) Contact additional resources as directed by a supervisor.

(e) Coordinate response of additional resources to assist with the foot pursuit.

458.5 REPORTING

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

  1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.

(e) Any injuries or property damage.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

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Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 DEPUTY DEPLOYMENT

All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

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(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (8 CCR § 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training coordinator should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

This policy establishes the procedure to be followed by the El Dorado County Sheriff's Office for the investigation and reporting of traffic collisions involving Department personnel and equipment.

Traffic Collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. Driver's Report of Accident, and Third Party Damage/Loss Report (County forms) must also be completed.

A Driver's Report of Accident form may be completed in lieu of a Traffic Collision investigation report, at the direction of a supervisor, when the collision occurs on private property or does not involve another vehicle.

Whenever there is damage to a County vehicle, the Driver's Report of Accident shall be forwarded to the appropriate Division Commander or designee.

502.2 TRAFFIC COLLISION REPORTING

Whenever an on-duty accident involves a County vehicle within El Dorado County, the accident shall be investigated by the California Highway Patrol or the City Police if the accident occurred in an incorporated city.

The employee involved shall comply with the following procedures:

(a) Secure the names and addresses of the other driver, passengers, and witnesses.

(b) Do not argue with other parties involved in the accident.

(c) Discuss the accident only with the CHP/City investigators or authorized County officials.

(d) Make complete and factual Department reports as required.

502.2.1 NOTIFYING SUPERVISORY OFFICERS OF ACCIDENTS

(a) Employees involved in an automobile accident shall notify the shift sergeant. The shift sergeant or his designee should respond to the scene.

(b) The purpose of having a Supervisory Officer on the scene is to insure the thoroughness of the investigation and the accuracy and completeness of all reports submitted.

(c) The shift sergeant shall make a written report regarding his findings of the accident and submit this report to the Patrol Lieutenant within 24 hours after the accident.

502.3 TRAFFIC COLLISION REPORTING: OUTSIDE EL DORADO COUNTY

Any traffic collision involving a County vehicle occurring outside the County of El Dorado shall be investigated by the local agency having jurisdiction where the collision occurred. The involved Department employee shall request the investigating agency to forward a copy of the traffic collision report to the El Dorado Sheriff's Office.

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The involved employee shall, as soon as practical, notify his or her immediate supervisor of the collision. If the immediate supervisor is unavailable, the employee shall notify the on-duty shift sergeant.

The involved employee shall make complete and factual Department reports as required.

502.4 REPORTS REQUIRED IN ACCIDENT CASES

(a) Non-injury Vehicular Accidents

1. Driver's Report of Accident to be filled out by driver of County-owned vehicle.
2. Third Party Damage/Loss Report when third party has sustained damage.
3. A copy of Traffic Collision report submitted by investigative agency.

(b) Injury Vehicular Accidents

1. Driver's Report of Accident to be filled out by driver of County-owned vehicle.
2. The above report to be completed by the injured employee and signed by his supervisor. If injured party is unable to complete the report due to his condition, then this report shall be investigated and completed by or at the direction of the injured employee's supervisor.
3. A copy of Traffic Collision report completed by investigative agency.

502.5 DEPARTMENTAL SAFETY COORDINATOR

The Support Services Division Training Lieutenant shall be designated as the Department Safety Coordinator, in addition to his or her other duties.

502.5.1 FUNCTION

The Department Safety Coordinator shall review and follow-up all accidents involving on-duty personnel and incidents brought to his attention that might result in accidents. In reviewing each

Supervisor's Accident Report and Traffic Collision report, this officer shall determine whether the accident was preventable or non-preventable.

502.5.2 ACCIDENT REVIEW BOARD

(a) Preventable accidents indicating poor judgment, negligence, violation of law, or rules and regulations, and those resulting in considerable injury or property damage may be referred to the Accident Hearing Board by the Department Safety Coordinator.

(b) Employees involved in a preventable accident and facing discipline may request an Accident Review Board.

(c) The Department Safety Coordinator shall schedule all appearances before the Accident Review Board.

(d) The Accident Review Board shall be composed of the following persons:

1. One Captain or Lieutenant (designated by the Sheriff)
2. A Sergeant or Supervisor of rank above Sergeant
3. A Deputy Sheriff (designated by the Sheriff)

(e) The Department Safety Coordinator will select the Supervisor on a random basis for each Board convened.

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(f) The Department Safety Coordinator will present the facts of the traffic collision to the Board.

(g) The Board shall interview persons scheduled to appear and review the facts to determine the degree of responsibility in each case.

(h) The involved employee may present testimony to dispute the findings of the Department Safety Coordinator.

(i) The Department Safety Coordinator will not express an opinion to influence the Board's recommendation.

(j) The Board shall present its findings and recommendations for disciplinary action in a written report, along with copies of accident reports and the individual's accident records, to the Division Commander. The Board's recommendation is advisory only and not binding. The Division Commander may uphold, suspend, or modify the recommendation of the Accident Review Board.

(k) The Board will be guided in their deliberations and recommendations based on:

1. The attitude of the person involved.
2. Their past driving record.
3. The degree of carelessness or negligence involved.

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Vehicle Towing Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the El Dorado County Sheriff's Office. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Central Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call the next tow company on the rotational tow list. The deputy will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

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- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.6 RECORDS SECTION RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Sergeant for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The County of El Dorado periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

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(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

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Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the El Dorado County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code §§ 22650(a) and 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(d)). The Administrative Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code §§ 22851.3(e)(2) and 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §§14602.6(b) and 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §§ 14602.6(b) or 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

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The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated, unconscious drivers, and unconscious pedestrians involved in traffic collisions because of their intoxicated state.

514.2 POLICY

The El Dorado County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

514.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

514.4 FIELD TESTS

The Patrol Lieutenant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for deputies to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

(e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

514.5.1 CHOICE OF TEST

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the deputy shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

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If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH TEST

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

514.5.3 BLOOD TEST

Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned deputy. No deputy, even if properly certified, should conduct the blood withdrawal.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

514.5.4 URINE TESTS

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

The collection kit shall be marked with the person's name, offense, El Dorado County Sheriff's Office case number and the name of the witnessing deputy. The collection kit should be refrigerated pending transportation for testing.

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514.6 REFUSALS

When a person refuses to provide a viable chemical sample, deputies should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio-record the admonishment and the response if practicable.

(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained; or

(b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special facts such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

    2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

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If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.7.2 STATUTORY WARNING

A deputy requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.7.3 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.7.5 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

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(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

514.8 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputies who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Deputies called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

514.10 TRAINING

The Training coordinator should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training coordinator should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Patrol Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Patrol Section CSO shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Sergeant may request the Patrol Lieutenant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Lieutenant for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation with a Notice of Correction to his/her immediate supervisor. The citation and Notice of Correction shall then be forwarded to the Administrative Sergeant. The Administrative Sergeant shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the department, all employees issued traffic citations books shall return any unused citations to the Records Section.

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516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Administrative Sergeant who will review written/documentary data. Requests for administrative reviews are available at the front desk of the El Dorado County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

516.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

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516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the District Attorney, County Counsel, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or County Counsel's Office only as authorized by a Division Commander or the Sheriff.

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Sexual Assault Victims' DNA Rights

602.1 PURPOSE AND SCOPE

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

(a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned deputy shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

    1. Prior to any such examination the assigned deputy shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

    2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

(a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).

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(b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned deputy should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

(c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned deputy shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned deputy may inform the victim of the status of the DNA testing of any evidence from the victim's case.

1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:

1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

(c) Provided that the sexual assault victim or victim's designee has kept the assigned deputy informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.

1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No deputy shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

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Asset Forfeiture Policy

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY

Assets can be seized and forfeited through both the United States Department of Justice (USDOJ) Asset Forfeiture Program and the California Health and Safety Code. Cases initiated by State or Local Agencies can be adopted for Federal Forfeiture by the U.S. Federal Bureau of Investigation (FBI), the U.S. Drug Enforcement Agency (DEA), the U. S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U. S. Postal Inspection Service (USPIS) and the U. S. Attorney's Office (USAO).

Federal forfeitures related to controlled substance violations shall be conducted through the Sheriff's Office Narcotics Detective assigned to the Sacramento DEA Taskforce.

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to the USDOJ Asset Forfeiture Program, with a nexus to controlled substance violations, department personnel should attempt to contact a narcotics detective. The following guidelines will be observed when submitting a case for adoption to a Federal Agency for Asset Forfeiture:

(a) The seizing deputy or the detective will contact the detective assigned to the Sacramento DEA Taskforce and advise him of the circumstances of the seizure.

(b) Identify and interview all persons involved concerning their possession of the seized assets, financial situation, employment history, income and other resources. The interviewing deputy shall ensure that Miranda warnings are given and waivers obtained before interviewing any person who is in custody.

(c) Establish the criminal history of involved parties. Obtain identifying information of Parent/Guardian of any involved juveniles 12 years and over.

(d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

(e) A report shall be prepared documenting the circumstances of the seizure to include but not limited to; The use of a K9 or the reason one was not used. Any currency

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denominations. The type of packaging around the seized item. Any observed odor of controlled substance in or upon the seized item. The location of the seized item when first discovered. All and any facts that will establish a nexus to a crime. It is not necessary to file criminal charges but a nexus must be established.

(f) The seizing deputy or the detective that has taken over the seizure will acquire a letter of declination from the local jurisdiction District Attorneys Office advising the local District Attorney has no interest in the forfeiture. The deputy or detective will forward the Letter of Declination to the Asset Forfeiture Detective.

(g) If the items seized for forfeiture were seized pursuant to a search warrant the seizing deputy or detective shall acquire a Release Order from the court.

(h) The seizing deputy or detective will forward a copy of all reports including search warrants and any applicable asset forfeiture paperwork, along with the jail Identification numbers and jail address for any involved persons who are in custody, to the Asset Forfeiture Detective in the DEA Taskforce within 30 days of seizure.

(i) Upon the request of the Asset Forfeiture Detective the seized funds, property or vehicle will be picked up from the property section or storage facility and delivered to the Asset Forfeiture Detective upon his request. Currency shall be converted into a cashiers check through the Bank of America prior to being delivered to the Asset Forfeiture Detective.

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol deputy should contact a narcotics detective. The following guidelines will be observed:

(a) The seizing deputy or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.

(b) When someone has made notification other than the Narcotics Detective taking over the case, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the assigned detective in the Narcotics Bureau, for review.

(c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing deputy shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.

(d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

(e) Although the forfeiture of assets subject to State of California forfeiture law is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit it still requires criminal charges be filed and a conviction be acquired.

606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should

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be booked on a separate property form No other evidence from the case should be booked on this form.

606.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing deputy and a supervisor or his/her designee. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The deputy counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

At the discretion of the on-site supervisor, large sums of currency may be seized by immediately packaging the seized funds in a sealed evidence package without prior counting. Under such circumstances the collection and packaging of the funds shall be witnessed by the onsite supervisor or designee. The collecting deputy and the witnesses shall initial and sign the sealed packaging. In such circumstances the funds will be transported to a financial institution for mechanical counting as soon as logistically possible. If for security reasons it is necessary to book the seized funds into evidence/property prior to transporting to a financial institution the sealed packaging shall not be violated until arrival at a financial institution. Upon arrival at the financial institution the sealed packaging shall be opened by the transporting deputy and a witnessing supervisor. After the funds have been mechanically counted they shall be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The deputy counting and supervisor verifying the money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

After seized currency is counted it shall be booked into evidence/property, the currency will be booked on a single property form notating "subject to asset forfeiture" in the comments section of the property form. The seizing deputy shall notify the Operations Division Commander of the booked currency and the circumstances of the seizure as soon as possible.

At the deputy's discretion, large amounts of currency may be transported to a financial institution for mechanical counting.

606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

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606.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept in the Narcotics Bureau. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Sheriff or authorized staff, as requested.

606.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits. Funds received from forfeited assets shall be utilized for law enforcement purposes only, as stipulated by California Law or the U.S. Department of Justice Asset Forfeiture Program.

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Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the El Dorado County Sheriff's Office and the deputies using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.1.1 INFORMANTS

For the purposes of this policy an informant is defined as any individual who participates, on behalf of this department, in a prearranged transaction or prearranged meeting with direct face-to-face contact with any party, when the individual's participation in the transaction or meeting is for the purpose of obtaining or attempting to obtain evidence of illegal activity and/or where the individual is supplying information regarding illegal activity for the purpose of reducing or dismissing a pending judicial action or for any compensation of monetary value.

608.2 INFORMANT FILE SYSTEM

The Narcotics Bureau Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases

(b) Date of birth

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features

(d) Current home address and telephone numbers

(e) Current employer(s), position, address(es) and telephone numbers

(f) Vehicles owned and registration information

(g) Places frequented

(h) Informant's photograph

(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"

(j) Name of deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Narcotics Bureau. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that

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could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, a Division Commander, the Narcotics Bureau Supervisor, or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy must receive approval from the Narcotics Bureau Supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the El Dorado County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the El Dorado County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

(a) Deputies shall not withhold the identity of an informant from their superiors

(b) Identities of informants shall otherwise be kept confidential

(c) Criminal activity by informants shall not be condoned

(d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the El Dorado County Sheriff's Office, and that they shall not represent themselves as such

(e) The relationship between deputies and informants shall always be ethical and professional

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(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Narcotics Bureau supervisor

(g) Deputies shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Bureau Supervisor. Deputies may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments deputies shall arrange for the presence of another deputy, whenever possible

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

(i) Deputies shall not compensate informants with personal or private funds or gifts. Compensation shall be issued with agency funds and documented in accordance with department policy section 608.5.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Narcotics Bureau Supervisor will discuss the above factors with the Operations Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Sheriff. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of $30,000.

608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Sheriff and the Chief Administrative Officer's signatures are

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required for disbursements over $500. Payments $500 and under may be paid in cash out of the Narcotics Bureau Buy/Expense Fund. The Narcotics Bureau Supervisor will be required to sign the voucher for amounts under $500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The El Dorado County Sheriff's Office case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds $500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as other income and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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Narcotic Intelligence Files

609.1 PURPOSE AND SCOPE

It is the policy of this agency to establish a procedure for submission or collection of narcotics intelligence information, the secure storage of that information, the inquiry and search capability of the information, the controlled dissemination and purging of the information.

The intent of this policy is to establish a procedure that will be used to develop a file of narcotics intelligence information and maintain this file so that the information contained therein may be used for enhancing criminal prosecution of narcotics cases.

609.2 DEFINITIONS

Narcotics Intelligence Files shall mean data which has been evaluated to determine that it is relevant to the identification of an individual or organization that is reasonably suspected of involvement in criminal activity and the documentation of that criminal activity. This data might include informant information, crime tip submissions, crime reports, and such.

609.3 SUBMISSION/COLLECTION OF NARCOTICS INTELLIGENCE INFORMATION

(a) A Narcotics Investigator shall collect and maintain intelligence information concerning an individual or organization only if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A Narcotics Investigator shall not collect or maintain intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information tends to prove involvement in criminal conduct or activity.

609.4 STORAGE OF NARCOTICS INTELLIGENCE INFORMATION

(a) All narcotics intelligence information maintained in paper form shall be kept secured in a locked cabinet in the Narcotics Unit office.

(b) All other information shall be maintained in an electronic format in a secure fashion to prevent unauthorized access to the information.

(c) The information must be stored in a manner such that it cannot be modified, destroyed, accessed or purged without authorization.

609.5 INQUIRY AND SEARCH OF NARCOTICS INTELLIGENCE INFORMATION

(a) Only individuals who have a right-to-know and a need-to-know shall have access to the information.

(b) All narcotics unit members and individuals in their chain of command shall have access to the files.

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609.6 DISSEMINATION OF NARCOTICS INTELLIGENCE INFORMATION

(a) Information will be disseminated only where there is a need to know and a right to know in the performance of a law enforcement activity.

(b) A record indicating who has been given information, the reason for release of the information and the date of each dissemination outside of this agency shall be kept.

(c) Narcotics intelligence information shall be released only by the Narcotic's Unit Sergeant or with his/her approval. In the absence of the Narcotic's Unit Sergeant, authorization will be sought further up the Narcotic's Unit chain of command.

609.7 REVIEW AND PURGING OF NARCOTICS INTELLIGENCE INFORMATION

(a) A periodic review of the Narcotics Intelligence Information files will be conducted by the Narcotics Unit Supervisor. The review shall take place at least yearly, but can be conducted on a more frequent basis as time allows. The supervisor will check the files to make certain the information is still relevant and important. Any information that is misleading, obsolete or otherwise unreliable shall be purged. A log shall be maintained documenting the name of the reviewer and the date of review.

(b) Information maintained in the Narcotics Intelligence Files shall be purged following a time period of five years, unless further information is obtained within those five years indicating there is reasonable suspicion that the individual or organization has been involved in criminal conduct or activity.

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Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the El Dorado County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The El Dorado County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the El Dorado County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

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(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING *BRADY* ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The El Dorado County Sheriff's Office allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report.

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702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD while on duty is a privilege, not a right.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Sheriff or the authorized designee.

(g) Use of a personally owned PCD while on duty constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with access to the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

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702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(f) While on duty, Employees will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that

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sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Traffic Safety Vest

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit, CPR mask
- 1 Traffic Safety Vest

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

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Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service? placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use Policy

706.1 PURPOSE & SCOPE

The Department utilizes County owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure County owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "County owned" as used in this section also refers to any vehicle leased or rented by the County.

706.2 USE OF VEHICLES

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify Central Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Shift Sergeant shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Shift Sergeant of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property and Evidence Section personnel assigned transportation duties to and from the maintenance yard, etc. Property and Evidence Section personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 INVESTIGATIVE SECTION VEHICLES

Investigative Services Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. After hours use of Investigative Section vehicles by personnel not assigned to the Investigative Section shall be recorded with the Shift Sergeant on the shift roster.

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706.2.5 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

706.2.6 PARKING

County owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a County owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3 ASSIGNED VEHICLE AGREEMENT

County owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on duty.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance supplies.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.3.1 VEHICLES SUBJECT TO INSPECTION

All County owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 SECURITY

(a) Vehicles may be assigned for overnight use by the Division Commander to employees who live within El Dorado County and meet one of the following criteria:

1. The employee is a peace officer and subject to 24hour callouts necessitating immediate response from their residence to a crime scene or other type of emergency.
2. The vehicle contains specialized equipment that is necessary for the employee in the event of a callout (Detectives, Coroners, OES, Narcotics, etc.).
3. The employee begins and/or ends his shift at home, or works a flexible shift requiring the employee to work varied hours to complete assignments (i.e. meetings, supervision, training, etc.).
4. Exception: Those employees currently assigned vehicles and who live outside the county may continue overnight use while in their current special assignment. These employees must be able to respond to their assigned duty station within 45 minutes under normal driving conditions while obeying the rules of the road.

(b) County vehicles on overnight assignment to an employee should be stored in a location, which reasonably provides for the protection of the vehicle. All weapons,

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portable radios and official documents shall be removed from the vehicle when appropriate.

(c) All vehicles not on overnight assignment shall be left parked and secured in designated areas for immediate use by authorized personnel.

(d) [redacted]

(e) When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the sheriff's facility.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of theEl Dorado County Sheriff's Office, a deputy shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies driving marked vehicles shall be armed at all times.

Deputies may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

1. Employees may use the wash racks at the sheriff's facility or maintenance yards (Inmate Workers may be used to clean vehicles, when available).
2. Cleaning/maintenance supplies will be provided by the department.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the County maintenance shop.

1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a supervisor

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706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the assigned vehicle program manager.

706.7 COLLISION DAMAGE, ABUSE AND MISUSE

When a County-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

Collisions involving a private passenger vehicle operated by an employee, when the vehicle use is at the request or direction of a supervisor and is in the performance of the employee's duties, shall be a liability of the El Dorado County Sheriff's Office, not the vehicle owner. Consideration should be given to an outside agency handling the collision investigation report (Insurance Code § 488.5).

The employee involved in the collision shall complete the County's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

706.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the County after an emergency does not qualify for this exemption and personnel using County owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a County owned vehicle upon the toll road shall adhere to the following:

(a) All employees operating a County owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the County for any toll fees.

(b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Division Commander with five working days explaining the circumstances.

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Chapter 8 - Support Services

Property Procedures

805.1 PURPOSE

The purpose of this policy is to provide a procedure for entering into the Property Section any and all evidence/property obtained by El Dorado County Sheriff's Department personnel.

Booking evidence and property can be a difficult and confusing process due to the many different procedures required for receiving the various types of evidence. Department policy requires that all Department members handling evidence/property take extra care with guns, controlled substances, flammable substances, and other dangerous substances.

805.2 DEFINITION

There are (3) three categories of property received by the Department. They are as follows:

(a) Evidence Property is that property which is directly connected to a crime. Because it is connected to a crime it has a high probability of being used in court. This includes property seized pursuant to a signed SEARCH WARRANT, which can only be released by a COURT ORDER.

(b) Safekeeping Property is that property which is not connected with a crime, but has been taken into custody because the owner is unable to care for it for a specified period of time; or property that has no connection to a crime, but has been taken into custody to prevent a crime.

(c) Found Property is property that may or may not have a connection with a crime. These are items that have been found and turned over to the Sheriff's Office and are usually lost or misplaced items.

805.3 POLICIES AND PROCEDURES

805.3.1 EVIDENCE TRANSPORTATION

Members shall transport evidence in their assigned patrol vehicles whenever possible. When the item is too large for a patrol car, a department staff member shall be requested to respond to the location with the Property Section pickup. If the item appears to be too heavy for the pickup, the member shall notify his/her supervisor to arrange the necessary mode of transportation. Special item handling will require preparation for storage. The member's supervisor shall make all the necessary arrangements.

In the event that flammable or unstable materials must be transported, the member's supervisor shall contact the fire department or County Environmental Management (HAZMAT), and request that the material be recovered (with samples taken if evidence. A department member shall wait with the material until the the fire department or HAZMAT arrives on the scene. Members shall not transport gasoline, ether, or other volatile or flammable material in a patrol vehicle.

The Department Explosives Ordnance Detail (EOD) will handle dynamite, military explosives, etc.

EXCEPTION: Fireworks, paint, glue, and ammunition .50 caliber and smaller shall be booked into evidence lockers in accordance with this order.

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805.3.2 EVIDENCE STORAGE

Evidence lockers/storage for the Placerville office are located on the west side of the building through the old jail side door and in "Yard A" at the rear of the building.

Evidence lockers/storage for the South Lake Tahoe (SLT) office are located in the briefing room and [redacted]

(a) [redacted]

1. Gasoline, ether, or other dangerous, unstable, or unknown substances.
2. Clandestine lab chemicals and or equipment.
3. Large quantities of marijuana.
4. Large items that will not fit within the lockers provided in Evidence.

(b) Perishables are to be photographed and disposed of. If evidence, photograph and return to the victim.

(c) All personnel are responsible for locking the evidence lockers following the booking/storage of evidence, and then shall drop off the key.

805.3.3 EVIDENCE PACKAGING

Department members placing Property/Evidence into lockers shall attempt to package all items in bags or envelopes; or where indicated, use boxes, string tags or provided labels. The investigating officer shall seal property envelopes. Boxes shall be secured with string or tape. Envelopes and boxes shall be booked into an Evidence locker.

NOTE: Specific envelopes are designated for money, film or pictures, audio or videotapes, latent prints and narcotics or drugs. This procedure shall be followed in all cases except where special packaging is directed by this Order.

(a) The packaged or otherwise prepared evidence shall contain the following information in all cases.

1. Case number
2. Description of item
3. Officer's name and Officer Applied Number
4. Date/time item was collected

(b) Members should personally mark all items of evidence with their initials, and where space permits, the date collected and the case number.

(c) Exceptions:

1. Very small items need not be marked individually but shall be identified by marking their containers.
2. Evidence received in large quantities need not be marked individually. It is necessary to mark only a representative sample of items.
3. Items, which can be identified by serial numbers and/or unique identifying markings, need not be marked as above. In such cases, members shall enter all information necessary to establish identification of the item into the ACIS Case Property screen.

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Department members shall place their Officer Applied Number on each item of evidence being booked. The Officer Applied Number is the member's ID number followed by a sequential number relating only to those items s/he has booked. This number must be entered into the "Officer Applied Number" location on the ACIS property screen. The following illustrates the use of the Officer Applied Number: Deputy Doe with ID # 900 books five items. The items should be numbered D900 #1, D900 #2, D900 #3, D900 #4, and D900 #5.

When possible, members shall place the required evidence markings in a location where the item is NOT outwardly damaged or disfigured. Markings shall NOT be placed in any place, which would in any way alter, or damage the evidentiary or real value of an item.

Property Lockers are not to be used for storage without supervisor approval and a memo in the locker identifying the deputy and circumstances. Property discovered in a locker without proper markings, officer identification, ACIS entry, and/or without the key dropped will be removed from the locker and stored until claimed by the member. Property Technicians will notify supervisors of any item so stored.

805.3.4 LARGE ITEMS

Items too large for placement in the Evidence lockers shall be booked into Evidence Yard A located near the back lot of the Sheriff's Office in Placerville.

[redacted]

805.3.5 PRESERVING MINUTE EVIDENCE

Small bits of evidence, such as fingernail cleanings, hair, paint scrapings, etc., shall be placed in an envelope, glass vial or other suitable container, or placed in a properly marked evidence bag. When minute evidence samples are placed in small envelopes, these envelopes shall be placed in a 6" x 9" envelope prior to being booked into a locker.

805.4 EVIDENCE REPORTING

An ACIS report and a Case Property screen shall be completed each time evidence is booked into the Evidence lockers/Yard A/Storage Shed. Whenever evidence is stored at a location other than the evidence locker/yard A/Storage shed, a memo must be given to the Property Section explaining the location of the evidence and the reason for its storage at another location.

When listing items in the ACIS Case Property screen, members shall list the information as outlined in § 805.3.3. To allow for positive identification of the item be sure to number each item as described.

Separately bagged and sealed items should have the item number also noted on the outside bag, tag, or evidence tape for identification. These separate items should remain separate when booked into the Evidence locker.

The Property/Evidence form is to be completed in the field on items taken as evidence requiring a receipt be issued. This does not excuse members from the responsibility of entering the items into ACIS.

It is the responsibility of the member placing the evidence into Property to notify the Detective Sergeant of evidence items requiring CSI processing.

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805.4.1 FOUND PROPERTY

Prior to reporting any item as "found" members shall initiate a check into the stolen property system of CLETS (California Law Enforcement Telecommunication System) whenever possible. Only after those items with serial numbers have been checked for stolen status may they be entered as "found".

Found Property disposition will be handled by the Property Section pursuant to the requirements in Civil Code section 2080.

805.4.2 SAFEKEEPING PROPERTY

Members will accept items from citizens who request that it be stored for safekeeping. The item will be held for 60 days. Whenever possible, every attempt shall be made to return the item to the rightful owner. If the rightful owner does not want the item, or if the rightful owner cannot be located, the item shall be disposed of according to Department policy and state law.

805.5 NARCOTICS EVIDENCE PACKAGING

(a) All controlled substances shall be packaged as follows:

1. Complete the label on the K-PAK (plastic pouch)
2. Place the item in the plastic pouch and heat seal pouch
3. Place pouch in a completed white controlled substance envelope
4. Envelope shall contain suspect name, charges, officer name, date seized, a list of the items and the gross weight.
5. Officer shall complete the chain of custody line from/to and date/time
6. Officer shall seal envelope with tape and sign seal to package

(b) Controlled substances are to be removed from their packaging to determine net weight. Controlled substances may be returned and booked in the original packaging if not needed for other evidence purposes. Packaging needing separate analysis shall be packaged in a separate package per 805.3.3.

(c) Different types of controlled substances under the same case number, or from different suspects under the same case number, shall be separated and seal in separate pouches with appropriate identifying information prior to being placed in the controlled substance envelope.

(d) Exceptions: The following can be booked in regular envelopes/bags:

1. Found controlled substances booked for destruction;
2. Coroner medications;
3. Bags with controlled substance residue only (scraper bag).
4. Proposition 215 marijuana booked for safekeeping.

805.5.1 LARGE QUANTITIES OF CONTROLLED SUBSTANCE EVIDENCE

(a) Powder type drugs.

1. Book a small sample in a plastic pouch as noted above. The remaining in a plastic pouch and place in a regular envelope or bag.

(b) Marijuana (dry) large amount.

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1. Book a small sample in a plastic pouch as noted above. Put the remaining quantity in a bag and place in [redacted]

(c) Marijuana (wet) small or large amount.

1. Wet marijuana shall be placed in Yard A/Storage Shed for drying. No exceptions.
2. Do not seal package or place in a plastic pouch.
3. Fill out label on an appropriate sized paper bag and loosely place wet marijuana in bag to accommodate drying. Property personnel will finish packaging when the marijuana is dry.
4. Large wet quantities from indoor or outdoor grows; Photograph and obtain random samples (rule of 10, 10, and 10): (a) 10 root balls; Fill out label on large paper bag and place ten root balls in bag. (b) 10 pounds; Fill out label on "extra" large paper bag, fill bag full but loose to allow to dry. Will dry to approximately ten pounds. (c) 10 random samples: Take a small sample from ten random areas/plants, place loosely in small labeled paper bags. (d) Property personnel will complete packaging process when the marijuana is dry, and then dispose of excess.

805.5.2 CONTROLLED SUBSTANCE EVIDENCE REQUIRING ANALYSIS

At the time of initial intake, all controlled substance evidence (except that booked for destruction, found and having no suspects, coroner medications, and paraphernalia) will be weighed and tested by the investigating member using a presumptive screening kit. A supplement report will be prepared indicating the results; if the initial report has already been sent to the District Attorney, the supplement will be similarly routed, with the original filed in records.

If the District Attorney's Office determines controlled substance evidence must be analyzed by DOJ as a requirement of prosecution, they will forward a request to the Property Section. Property personnel will arrange transportation to DOJ for testing. When testing is complete, DOJ will return the evidence to the Property Section indicating the results. Property will forward the results to Records for dissemination to the District Attorney's Office.

805.6 CONTROLLED SUBSTANCES - EXCEPTIONAL PROCEDURES

Some types of controlled substance evidence require special procedures. The following sections will specify the types of controlled substances evidence requiring special procedures, and the procedures to follow.

805.6.1 PCP, LSD AND OTHER HIGHLY TOXIC CONTROLLED SUBSTANCES

PCP and LSD are highly toxic controlled substances, which emit a strong potentially toxic order, and therefore must be handled with extreme caution and must be specifically transported and packaged to avoid exposure to the fumes and/or spillage.

(a) Transporting and handling: Once seized, they should be transported to the Sheriff's Office and placed into evidence immediately. Members should avoid handling the PCP/LSD itself, and should wash their hands thoroughly with soap and water after handling these controlled substances. They should either be transported in the trunk of the vehicle or, if carried in the passenger compartment, with windows down to provide ventilation.

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(b) Packaging: These controlled substances will not be placed into Evidence before they are properly packaged to avoid spillage, breakage and/or exposure to fumes. If the PCP/LSD is in a liquid form it must be placed in a capped bottle or jar if not already in one. The capped bottle or jar shall then be placed in a plastic pouch and heat sealed and booked as per §805.5. It may be necessary to wrap the bottle with paper prior to sealing it in a pouch to avoid breakage. If the PCP/LSD is in a dry/solid form package and book per §805.5.

(c) Once properly packaged, these controlled substances are to be booked into evidence lockers the same as other controlled substances.

805.6.2 CONTROLLED SUBSTANCE PARAPHERNALIA

Controlled substance paraphernalia taken as evidence of paraphernalia charges (H&S 11364, B&P 4143) is not subject to analysis. This evidence should be packaged and booked per §805.33.

EXCEPTION: Hypodermic syringes are no longer accepted by DOJ. Syringes are to be photographed and disposed of in the sharps containers in intake.

(a) If the syringe has a liquid content that needs to be analyzed the liquid substance shall be placed in the small glass bottles provided in intake and booked as a controlled substance. The bottle with the syringe should be photographed to establish the connection between the items.

(b) If the syringe requires latent print analysis, the investigating officer or a Crime Scene Investigator (CSI) will process the barrel for latent prints. If prints are developed they shall be booked into evidence. The syringe shall then be photographed and disposed of as described above.

(c) Syringes that are seized by a search warrant, or syringes that are actual evidence of a crime, shall be placed in the syringe containers provided in intake and then booked into evidence.

(d) Because of the potential for bloodborne pathogen exposure from syringes, any deviation from this procedure must have prior supervisor approval.

(e) Large quantities of boxed, unopened syringes can be placed in a labeled paper bag and then booked into an Evidence locker.

(f) Large quantities of used syringes that would exceed the capacity of the sharps container shall be placed in a labeled bag and so marked to alert Property personnel of the danger.

805.6.3 CLANDESTINE LABS

(a) There are three types of items found within a clandestine lab:

1. Equipment
2. Chemicals
3. Potentially contaminated materials

(b) Any department personnel who during the course of employment come in contact with a potential clandestine lab should immediately contact their supervisor. The supervisor should determine the existence of the clandestine lab and contact the following personnel for further handling:

1. W.E.N.E.T. personnel
2. County Environmental Management.

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805.6.4 BLOOD AND URINE ANALYZED FOR DRUGS INTAKE

(a) Evidence for all crimes except 11550 H&S:

1. Use appropriate DOJ mailer/box (blood or urine).
2. Upon collecting the witnessed sample, complete all required information contained in the mailer/box. Tape/seal mailer/box and place case number on outside of box.
3. Blood samples must be booked into the refrigerator. Urine can be booked into the Evidence lockers.

(b) Evidence for 11550 H&S use Redwood Toxicology urine kit.

1. Use only El Dorado Co. Sheriff's Client # 12105 kits and green lab test requisition.
2. Case number where indicated.
3. Suspect name and DOB where indicated.
4. Collector line Officer ID # and initial.
5. Do not fill in (receiving) area (lab use only).
6. Do not fill in a request for type of testing to be done.
7. Place security seal on bottle then place label over the security seal.
8. Place in Redwood Toxicology bag and seal bag.
9. Book as is (do not place in another package). Place green lab requisition seperately in locker with sample.

(c) Evidence for 11550 H&S (blood) use the Valley Toxicology blue tube.

1. If a urine sample can't be obtained or the suspect wants to provide a blood sample instead of urine, use the Valley Toxicology blue tube.
2. Complete all the required information contained in the tube/mailer. Tape and seal the tube and place the case number on the outside of the package and book in the refrigerator.
3. Blood and urine evidence for 11550 H&S, or 23152(a) VC, or 23152(b) VC will be routed immediately by Property personnel to the appropriate contractor keeping proper chain of custody. Results will be sent to Records and are then disseminated to the District Attorney's office.
4. All other samples will be held by the Property Section until directed by the District Attorney or an investigator to send to a lab for testing.

805.7 OTHER EVIDENCE INTAKE

805.7.1 CONFISCATED FIREARM INTAKE

Prior to booking a firearm into the evidence lockers, members shall request, either through Dispatch or Records, that the firearm be checked through NCIC and CLETS for stops or holds. A Teletype shall be initiated for history, registration, and stops, and will be referred to investigations for follow-up. Any information received about the firearm shall be included in the member's report, including the request for the Teletype.

(a) It is the responsibility of the member placing a firearm into the property to ensure that all firearms be unloaded and rendered safe **prior** to being placed into evidence lockers. Gun ties are supplied in intake.

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(b) ALL FIREARMS SHALL BE STRING-TAGGED (including boxed firearms). Evidence firearms requiring further evidence processing shall be placed in a gun box, unless too large to fit, in which case they should be wrapped in paper to preserve evidentiary value.

(c) Ammunition, clips/magazines are to be packaged and booked separately from the firearm. Ammunition should be packaged in paper bags, NOT plastic, in order to prevent static electricity.

(d) GUN CASES are to be tagged or packaged, and booked SEPARATELY from the firearm.

EXCEPTION: If a firearm must be booked in a loaded condition (such as jammed firearms), the on-duty Property personnel shall be notified that the firearm is loaded at time of booking. If Property personnel are not on-duty a memo shall be placed in the evidence locker with the loaded firearm to alert Property staff of the firearm's loaded condition.

805.7.2 ARSON, PAINT, OR GLUE EVIDENCE INTAKE

Evidence of arson (evidence of accelerants), evidence of paint and or glue sniffing, such as paint rags, glue rags etc. shall be placed into a metal can that can be sealed and shall be booked into Yard A/Storage Shed.

805.7.3 MOTOR VEHICLES

Small motor vehicles, such as mini bikes, mopeds, go-carts, etc., may be booked into evidence rather than impounding them by tow truck. Motorcycle frames, parts, and accessories may also be placed into evidence. These items are to be placed into Yard [redacted] Cars, trucks, and vehicle parts, which leak oil/fluids, or are too heavy for one person to handle, shall be impounded by a tow-truck.

805.7.4 WEAPONS, SHARP OBJECTS

When booking potentially harmful items objects such as knives, razors, ice picks, glass, etc., members shall use cardboard and or tape or similar material to wrap the edges and points to protect all who handle the package/object. Members shall use the glass/sharps stickers in intake to mark the items. Folding knives can be taped in the closed position and placed in an envelope for booking.

805.7.5 OPEN CONTAINERS OF LIQUID

Containers of liquid having no lids shall be sealed as thoroughly as possible, or the contents shall be transferred to a sealed container available in Evidence intake. Liquids sealed in their original containers shall be packaged so as to prevent spillage if they are knocked over.

805.7.6 WET ARTICLES

Members having occasion to recover evidence items, which are blood soaked, must allow the items to dry before booking them into evidence. In such case, a CSI will be contacted so that the evidence can be placed into the drying room located in the CSI office. After the evidence has sufficiently dried, the CSI will book the article into the Property/Evidence Section and shall complete a supplemental report to establish chain-of-custody.

Items, which are soaked with water, may be handled as above or shall be placed in a paper bag. A second bag must be filled out so that Property staff may place the item into this bag when it has dried.

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805.7.7 MONEY INTAKE

Department members, who intend to place money into Property, whether as found property or for safekeeping, shall proceed as follows:

(a) Money (currency and/or coin) shall be packaged separately from other property being received regarding the same case.

(b) Currency shall be counted by the reporting member and then recounted by a second member for confirmation of the amount. Both counts and names shall be listed in the primary or supplemental report narrative.

(c) Money shall be placed in a money envelope after being properly marked for identification, as necessary.

(d) The envelope shall be marked with the same information as would be contained on a Property Tag, including the amount of money contained within the envelope.

(e) The envelope shall have the member's initials written across the closed flap of the envelope. The flap and initials shall then be covered with transparent tape.

(f) All such envelopes shall be listed as individual items on the Property/Evidence Report. The envelope shall be placed in the same Evidence locker with any other property taken under the same case, if present.

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to published once a week for a period of two consecutive weeks in a local newspaper of general circulation. (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication. (Government Code § 50051).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this Department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

805.7.8 MONEY AS EVIDENCE, INTAKE

To facilitate prosecution, the District Attorney's office requires that all money booked into the property section as evidence (coins and paper bills) must be photocopied or digitally photographed.

A. Paper bills; unless there is writing or evidence on the back of a paper bill, photographs or copies need only be taken of the front of the bill.

B. Bulk coins; (example: large jar of coins) may be weighed and photographed, rather than individual photos of coins. They should be booked in the original container.

C. Antique coins should have both the front and back photocopied or digitally photographed.

It is the responsibility of the booking officer to make photocopies or take digital photographs of all evidence money and enter the copies or photographs into ACIS under its own item number. The actual money will be booked into property separately under its own item number.

All photocopies or digital pictures must be of good quality so as to view the serial numbers on the paper bills and the writing on the coins.

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It is the responsibility of the booking officer to notify the Detective Sergeant if money requires further evidence processing by a CSI.

NOTE: This procedure does not apply to asset forfeiture or search warrant cases.

805.7.9 EVIDENCE TO COURT, DOJ, ETC.

Whenever guns, money and drugs are removed from the Property Room to go to court, DOJ, etc. only authorized personnel shall sign for the evidence. A Chain-of-custody form must be taken with the item to be signed by the appropriate court employee or Deputy

District Attorney, lab personnel etc. If the evidence is left with one of the above agencies the form must be returned to the Property Section as soon as possible. This form will serve as notice to Property staff as to who now has custody of, and responsibility for, the evidence.

The notification of custody will be the responsibility of the individual who signed for it when it was removed from the Property Section. All evidence not held by the Court, and in the possession of the deputy/member, shall be returned to the Property Room immediately. When the Property Room is closed, the members shall place the returned evidence in an Evidence Locker.

805.7.10 OTHER EVIDENCE

1. Digitally uploaded Evidence:

a. An ACIS entry must be made for digitally uploaded evidence

b. Digital Uploads of photos are to be named "ACIS PHOTO(S)"

c. Digital Uploads of audios are to be named "ACIS AUDIO(S)"

d. Digital Uploads of In Car Videos are to be named "ICV" or "IN CAR VIDEO"

1. ICV's are to be marked evidence and the case number attached

2. ICV's for a citation should have the cite number attached

2. Medication booked on Coroner cases should be entered as "Evidence". The Coroner Section will advise Property when it is permissible to dispose of the medication.

805.8 DISPOSITION OF EVIDENCE

A property tracking form will be maintained by the Property Section in order that a case may be followed through Court, and to ensure that evidence is released or disposed of at an appropriate time.

Follow-up investigators shall be responsible for notifying the Property Section of the disposition of recovered property and evidence.

Property being booked for "destruction" is to be entered into ACIS as "FOUND" and in the misc. information field note "booked for destruction".

805.8.1 FIREARMS

All gun dispositions/destructions shall be approved by the commanding officer of the Support Services Division.

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805.8.2 UNIDENTIFIED PROPERTY

Property in the custody of the Property Section that cannot be identified or is unclaimed by the owner shall be disposed of as provided for in Section 805.4.

805.8.3 RELEASE OF PROPERTY

Personnel with authority to release property must contact the Property Section prior to the release and have a signed authorization with the case numbers and items prepared.

With the exception of firearms and other property specifically regulated by statute, found property will be held for a minimum of one hundred twenty (120) days and property held for safekeeping shall be held for a minimum of ninety (60) days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within ninety (60) days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to Records for filing with the case. If some items of property have not been released the property card will remain with the property bureau. Upon release, the proper entry shall be documented in the Property Log.

805.8.4 EVIDENCE PROCESSING

Investigating officers, or personnel who wish to have an item of evidence processed by one of the department authorized CSI's, shall book said item into evidence. The member shall send a memo to the CSI Sergeant requesting the item to be processed.

The Property/Evidence Technician shall sign out the requested evidence from the Property Section on the chain of evidence portion of the Evidence tracking sheet. The CSI doing the evidence processing will write a supplemental ACIS report as to the results of the processing and the disposition of the evidence, and return the evidence to the Property Section by using the Evidence lockers.

The following types of evidence are listed as items that need regular processing and are to be handled by the Property/Evidence Technician in a timely manner:

(a) Film developing (273.5, 187, 243(e) (1) and 368 PC).

(b) Drug analysis.

(c) All other types of evidence processing.

805.8.5 RIGHT OF REFUSAL-EVIDENCE INTAKE

Evidence, which is not packaged/booked in accordance with the procedures outlined in this order, will not be accepted for Property/Evidence Room storage. Items improperly prepared will be held in an intake locker pending correction by the booking deputy/member.

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805.8.6 REQUEST FOR CORRECTION NOTIFICATION PROCESS

If an item is not entered into ACIS or there is a packaging problem, a request for correction memo will be sent to the deputy/member advising what corrections are needed. The sergeant will receive notification of the first memo to the deputy/member. If the deputy/member is on vacation the sergeant needs to notify property about the time delay.

If within seven days the problem has not been taken care of, property staff will generate a second notification to the sergeant advising the problem has not been taken care of. This notification will also be sent to the Lieutenant.

If the problem is not taken care of within a total of 15 days a notification will be sent to the Lieutenant requesting assistance to correct the problem. All previous memo's directed to the officer and the patrol sergeant will be attached to the memo sent to the Lieutenant. Day shift and swing shift can pick up the locker key from Property during Property hours. Graveyard shift must pick up the locker key from the Patrol Supervisor.

805.8.7 REQUEST FOR CORRECTION NOTIFICATION PROCESS - SLT

All Personnel will pick up the key to the evidence locker, containing their items to be corrected/entered, from their Patrol Supervisor (or Property staff if available).

The notification process will proceed as described above.

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Records Section Procedures

806.1 PURPOSE AND SCOPE

The Records Manager shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

806.2 FILE ACCESS AND SECURITY

El Dorado County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the El Dorado County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Records Section Supervisor. The Records Section Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Section Supervisor should forward the petition to the Investigative Services Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Investigative Services Supervisor and the Records Section Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Section Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Records Section Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

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Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE

Any firearm coming into the possession of the El Dorado County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

808.2.3 EVIDENCE PROPERTY TECH RESPONSIBILITY

The evidence property tech receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be picked up by the Department Crime Scene Investigator (CSI) for serial number restoration.

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808.2.4 ARMORER RESPONSIBILITIES

After receiving a request for serial number restoration, the department CSI will retrieve the firearm from the Property Section, or receive it from a another department CSI, and will accomplish the restorative procedure in accordance with guidelines established by the California Department of Justice. The process shall be done in a safe, efficient manner, and in a well-ventilated area. Protective clothing and equipment shall be used at all times during the process.

808.2.5 FIREARM TRACE

The Department CSI will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1OBL). The department CSI will return the firearm to the original CSI or to the Property Section.

The Department CSI will submit the completed ATF NTC Form to the Evidence Section. The Property and Evidence Technician will mail the completed ATF NTC Form to the National Tracing Center in Falling Waters, West Virginia.

The Department CSI shall maintain proper Department of Justice certification for the serial number restoration process.

808.2.6 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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Records Retention, Maintenance, and Destruction

809.1 POLICY

It is the policy of the El Dorado County Sheriff's Office to ensure official records are properly maintained, retained, sealed, purged, and destroyed in accordance with applicable laws, codes and regulations.

809.2 PURPOSE

The purpose of this policy is to establish guidelines for the retention, maintenance and destruction of all official Records created and maintained by the El Dorado County Sheriff's Office.

809.3 DEFINITIONS

Record or Records: Any information, whether written, audio, electronic, or otherwise, relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency.

809.4 PROCEDURE

809.4.1 RECORDS MAINTENANCE

(a) All Records relating to the conduct of daily business shall be kept in a secure environment. Use and access shall be restricted to those persons authorized access by work necessity and legal stature.

1. Unit Managers and Division Commanders shall designate areas for use and storage of Records in their respective areas of responsibilities.
2. The Support Services Manager shall maintain employee personnel files.

(b) Files may be separated by usefulness, namely active use (daily or frequent use) and inactive use (limited or infrequent use).

1. Active files shall be stored in the manner consistent with the business application and need of the Unit/Division maintaining the file.
2. Inactive files shall be maintained in archival status in preparation for eventual destruction.

(c) Archived files shall be appropriately labeled to indicate:

1. Date the record/file was created or received
2. Description of contents, if not visually identifiable
3. Retention period
4. Destruction/purge date(s)
5. Type of record (confidential or public)

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809.4.2 RECORDS DESTRUCTION

(a) Confidential or sensitive Records shall be destroyed in a manner that ensures that the integrity of the information is not compromised.

(b) Unit Managers and Division Commanders shall be responsible for ensuring that the Records in their units or divisions are purged and destroyed in accordance with this policy.

(c) An employee causing a Record/file to be destroyed shall complete a Notice of Destruction, certifying that the Records have been destroyed.

1. A Certificate of Destruction must be submitted with the Notice of Destruction if the destruction of Records is contracted.
2. The employee having responsibility for destruction of records shall secure a Certificate of Destruction from the contract company.
3. All Notices of Destruction and Certificates of Destruction shall be forwarded to the custodian of records in Internal Affairs.
4. Notices of Destruction and Certification of Destruction shall be maintained with the custodian of records in Internal Affairs for 4 years, after which they may be discarded.

(d) Absent alternative direction by the Sheriff or his designee, County Sheriff's Office Records shall be destroyed in accordance with the "Records Retention and Destruction Schedule" attached to this policy.

1. The retention period listed shall be the minimum amount allowed by law or contract for the Record, recording, video, telephone or radio communication.
2. The Unit Manager or Division Commander may retain Records longer than required by law, but must establish and implement a plan for destroying them.

(e) Any Record, recording, telephone, radio, or video communication that is the subject of a pending claim or litigation shall not be destroyed until such claim or litigation is resolved.

809.4.3 POLICY REVISION

(a) All Department policies will be reviewed not less than once a year. The Professional Compliance and Audit Unit (Support Services) will establish an annual schedule identifying policies to be reviewed during a specific month.

809.5 RECORDS RETENTION AND DESTRUCTION SCHEDULE

809.5.1 CRIME REPORTS AND SUPPLEMENTS

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION PERIOD	REFERENCE
(Non Homicide) felonies, misdemeanors and infractions	2 years unless the document is repealed or replaced or otherwise determined to be obsolete.	Gov't Code 26202

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(Non Homicide) felonies, misdemeanors and infractions	Do not destroy if: (1) Relate to unserved warrant (2) Relate to outstanding missing person report (3) Relate to criminal death case (4) Relate to violation listed in Penal Code 799 and 800 (5) Relate to pending criminal and civil litigation	Internal records policy
Homicides	Permanently	No Statute of limitations
Non-Criminal Reports (service and incident)	2 years unless the document is repealed or replaced or otherwise determined to be obsolete.	Gov't Code 26202
Records pertaining to the arrest or conviction of any person for violation of 11357(b), (c), (d), (e) or 11360(b) of the Health and Safety Code (Occurring after January 1, 1976)	2 years from date of conviction or arrest, except for minors where records shall be retained until minor reaches 18.	Health & Safety Code 11357& 11361.5
Records pertaining to the arrest or conviction of any person for violation of 11357(b), (c), (d), (e) or 11360(b) of the Health and Safety Code (Occurring before January 1, 1976)	Mandatory destruction (Upon notice from Department of Justice)	Health & Safety Code 11361.5(c)
Records of lost and found items, which have been lawfully disposed of, over 2 years old	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202
Juvenile Records	5 years after record was ordered sealed; or 3 years from date of arrest/citation if court finds minor to be factually innocent of charges	Welfare & Inst. C. 781, 781.5, 389
Citations, parking and traffic	2 years, Court or parking vendor has original.	Govt. Code 26201
Field Interview data , cards and electronic	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202
All indexes (includes index cards and electronic index which relates to a case document)	Retain until documents destroyed then destroy index.	Govt. Code 26202
Sheriff daily activity case log (hard copy or electronic	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202
Pawn Slips	Sales slips/pawns have no statutory requirement. Retention may be determined by evidentiary value (customer thumb print). Dealer has original	Govt. Code 26201
Permit and Licenses (includes applications). Concealed weapon, Live Scan, Christmas tree, card room dealer, sales, explosive, etc.	2 years plus current year after expiration or no activity	Govt. Code 26202

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Applications denied. Concealed weapon, itinerant, explosive, card room dealer, second hands dealer, etc.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete	Govt. Code 26202
Sealed records, adult (court order) may include reports, bookings, finger prints, mug shot and etc.	3 years from date of conviction or arrest	Penal Code 851.8
Sealed records, juvenile (court order) may include reports, photos, fingerprints and etc.	5 years if adjudged under W&I 601after petition granted	Welfare & Institution 781
Restraining orders, emergency protective orders, temporary restraining orders, legal stipulations, orders after hearing, harassment orders (enforcement action described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and Family Code 6380-6383)	Destroy when expired. Court has original	Govt. Code 26201
Sex registrant files. Penal Code 290	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete. *Dept. policy is to retain these records until registrant is 100 years of age or for 10 years from date of release from supervision, whichever is longer or if registrant is deceased. DOJ maintains registrant date.	Govt. Code 26202
Narcotic registrant files. Health & Safety Code 11590	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete. *Dept. policy is to retain for 5 years after the release from probation or parole, or registrant becomes deceased, or if DOJ notifies subject no longer required to register.	Govt. Code 26202
Arson registrant files. Penal Code 451.1	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete. *Dept. policy is to retain until registrant is release from probation or parole, or registrant becomes deceased, or if DOJ notifies subject no longer required to register.	Govt. Code 26202
Arson registrant (juvenile). Penal Code 451.1 (d) (e)	Retain until juvenile attains age of 25 years, unless court ordered sealed	Penal Code 451.1 (d) (e)
Duplicate of all reports/documents	May be destroyed at any time when duplicate is no longer needed by agency	Govt. Code 26201

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Firearm dealer records	May be destroyed at any time when duplicate is no longer needed by agency	Govt. Code 26201
Coroner reports	Indefinite as the "coroner's register". In lieu of the register the coroner may keep an official file for each deceased person	Govt. Code 26205 Govt. Code 27463 Govt. Code 2746.5 Govt. Code 27491
Crime and warrant statistics-prepared for submission to DOJ or department use Yearly crime and warrant statistics-in house Arrest register-adult and juvenile-DOJ Monthly return A07 major crimes and clearances-DOJ Monthly arson report-DOJ Monthly domestic violence report-DOJ Officer assaulted/killed-DOJ Monthly hat crime report-DOJ Monthly elder abuse report-DOJ Monthly homicide report-DOJ	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete. *Dept. policy is to retain 5 years.	Govt. Code 26202
Criminal history log	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202
Request to review record form	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202
Miscellaneous Files and Records Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202

809.5.2 PUBLIC ADMINISTRATOR

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
CASE FILES: Probated Estates	Indefinite	Govt. Code 68152
CASE FILES: Non-Probate Estates	3 years after close date	Probate Code 7665
CASE FILES: Minor's Compromise , estates that have minors as beneficiaries	Same period as the duration of the underlying action, plus 10 years after the minor reaches 18 years of age	Govt. Code 68152
Public Administrator trust account worksheets	Maintain 5 years (banking records)	Govt. Code 26202 Retain at least 2 years and destroy (Dept. Policy 5 years)

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Decedent Personal Property-next of kin have not been located (i.e., wallet, personal documents, family pictures, etc.)	Maintain 3 years after close date	Probate Code 7665
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	3 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Probate Code 7665

809.5.3 DISPATCH

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
Central Dispatch daily briefing logs and briefing materials	2 years	Govt. Code 26202 Retain 2 years and destroy.
911 call printout log	2 years	Govt. Code 26202 Retain 2 years and destroy.
Tow Log	2 years	Govt. Code 26202
Recordings of telephone and radio communications originating from or to Central Dispatch.	100 days; and until final disposition of any pending legal action or litigation, in which case destruction shall be approved by the legislative body, and the written consent of the agency attorney shall be obtained.	Govt. Code 26202.3 Govt. Code 26202.6 Govt. Code 34090.6
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202 Retain 2 years and destroy.

809.5.4 ACCOUNTING

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
Paid Claims	3 years	26202 GC , retain 3 yrs. and destroy-Auditor has original
Credit Card/Justifications	3 years	26202 GC , retain 3 yrs. and destroy
Canceled Checks & Banking Records	5 years	26202 GC , retain 5 yrs. and destroy
County Deposit Permits	3 years	26202 GC , retain 3 yrs. and destroy-Auditor has original
Trust Account Accounting Records	3 years	26202 GC , retain 3 yrs. and destroy-Auditor has original
Journal Entries	3 years	26202 GC , retain 3 yrs. and destroy-Auditor has original
Appropriation Transfers	3 years	26202 GC , retain 3 yrs. and destroy-Auditor has original.
Grant Fiscal Records/Application Records	3 years	As required by Grantor.
Jail Transportation State Reimbursement , Inmate counts, extraditions	3 years	26202 GC , retain 3 yrs. and destroy.
Daily Jail Rate	3 years	26202 GC , retain 3 yrs. and destroy.
Jail Reimbursement , Morrissey Hearings, Federal & State Prisoner Holds, and other misc. reimbursements	3 years	26202 GC , retain 3 yrs. and destroy.
Commissary Shift Balance Sheets	3 years	26202 GC , retain 3 yrs. and destroy.

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Payroll Records , Pay Period Printout Reports, Employee Payroll Records, Overtime Reports, Sick Leave Reports	3 years	26202 GC , retain 3 yrs. and destroy. Auditor has original.
Time Sheets	5 years	26202 GC , retain 3 yrs. and destroy.
Budget Documents , Including 210, 220 Reports	10 years	CAO to keep 10 yrs. Sheriff Office to do the same.
Agenda Transmittals	3 years	26202 GC , retain 3 yrs. and destroy.
Contracts & Agreements	4 years	Section 337 CCP- retain 3 yrs. and destroy.
Inventory Reconciliations	3 years	26202 GC , retain 3 yrs. and destroy.
Judicial Data System	3 years	26202 GC , retain 3 yrs. and destroy.
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202 Retain 2 years and destroy.

809.5.5 SUPPORT SERVICES

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
Internal Affairs: Investigation of citizen and internal complaints against employees of the Sheriff's Office. Includes Internal Affairs investigation files, employee interviews, witness statements, complainant statements, grievance reports, disciplinary reports, record of actions taken, voice stress analysis records/results, and any related documents.	5 years; and until final disposition of any pending legal action or litigation.	Penal Code 832.5 Penal Code 5021; Govt. Code 12525 (related to deaths in custody)
Personnel: Personnel records for all employees, including those terminated or who resigned in lieu of termination. Includes background investigations, performance evaluations, requisitions, commendations, training, basic employment and earning records, work schedules, requests for reasonable accommodation, application forms and other records concerning hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation	4 years after date of separation; and until final disposition of any pending legal action or litigation.	Penal Code 832.5
Background Files on persons who applied but were not selected for employment with the Sheriff's Office. Includes; background investigations, criminal records, oral board scores, original applications, summaries of findings, polygraph/CVSA examination results.	2 years from date records created or received; and until final disposition of any pending legal action or litigation.	Govt. Code 12946; 2 CCR 7287.0

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Background Files on persons who applied but were selected for employment with the Sheriff's Office. Includes; background investigations, criminal records, oral board scores, original applications, summaries of findings, polygraph/CVSA examination results.	2 years from date of separation; and until final disposition of any pending legal action or litigation. Includes 832.5 investigations.	Govt. Code 12946; 2 CCR 7287.0
Recruitment Files and Examination Test Files: includes brochure, advertisements, and tests.	4 years after date of separation.	29 C.F.R. 1602 et seq.; 29 C.F.R. 1627.3 (1 yr. req.); Govt. Code 12946; Govt. Code 26202
Discrimination claims.	4 years after date of separation; and until final disposition of any pending legal action or litigation.	29 C.F.R. 1602.14; Govt. Code 12946
Records created for the completion of an EEO report.	4 years from date records created; and until final disposition of any pending legal action or litigation.	29 C.F.R. 1602.12; Govt. Code 12946; 2 CCR 7287.0
Records pertaining to the administration of polygraph/CVSA examinations of employees in connection with ongoing investigation involving economic loss or injury, misconduct, criminal, or otherwise.	4 years after date the examination is administered.	29 C.F.R. sec. 801.30
Workers Compensation Records:		
• Claims	5 years from date of injury or date of last provision of compensation benefits, whichever is later.	8 CCR 10102, 10101.1, 15400.2
• Inactive/closed claims (original documents)	2 years after claim is inactive/closed.	8 CCR 15400.2
• Medical and/or toxic substance exposure records	30 years after date of separation from employment.	8 CCR 3204(d)
• Health and OSHA inspections and logs of injuries and illnesses.	5 years	29 C.F.R. 1904.10; 8 CCR 14307
Training Records: Includes; employee training files, academy files, POST/STC training records, and C.I.P. records, instructor information, certifications of classes, quarterly reports, and miscellaneous reports.	4 years after date of separation; and until final disposition of any pending legal action or litigation.	29 C.F.R. 1627.3; Govt. Code 12946; Govt. Code 26202
Auto Accident Reports	5 years after date of review	EDSO Policy
Equipment Inventory	Supersede + 2 years	Govt. Code 34090
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt. Code 26202 Retain 2 years and destroy.

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809.5.6 CUSTODY DIVISION

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
Divisional Records:Includes; inmate grievances, inmate request forms, inmate infractions, inmate injury reports, housing unit logs, control logs, daily assignment sheets, employee rosters, employee reports, incident reports, AED reports, and correspondence.	Current year plus 4 years; and until final disposition of any pending legal action or litigation.	Govt. Code 26202
Inmate Records: Includes booking and custody records, such as pre-booking sheet, completed property card, jail copy of court order(s), jail copy of Affidavit re: Probable Cause, miscellaneous computer print outs, grievances, and inmate requests for information, charges and dispositions, and changes and modifications to charges.	4 years from date of release; and until final disposition of any pending legal action or litigation. Retention period may be extended as required by any grants, contracts or other compliance requirements. Booking Records related to SCAAP grant will be retained 5 years from date of release. Homicide arrest records will be kept permanently.	Govt. Code 26202
Bail Bond Log: Includes a list of the amount of the bail bond and the date of the deposit.	3 years	Penal Code 1269
Cash Bail Log:Includes receipts for bail and/or fine/money paid.	3 years	Penal Code 1269
Lost Property Reports:Includes records of property lost or alleged to have been stolen, embezzled, or taken from a prisoner.	4 years; and until final disposition of any pending legal action or litigation.	Penal Code 1413 Govt. Code 26202
Pro Per Services Files	4 years after final disposition of the pending legal action or litigation.	Govt. Code 26202
Cal Gang Database Information	4 years	Govt. Code 26202
Records of financial activities; Including receipts for monies received for various services and functions, deposit receipts, cash disbursements, cash reimbursement requests, bank statements, and financial reports.	2 years or until audited	Govt. Code 26202
Payroll records: For each employee, indicating name, address, date of birth, occupation, rate of pay, and compensation earned each week, and employee rosters.	3 years	29 C.F.R. 1627.3
Service and Maintenance Records: Records for services to the community that are non-crime related, such as facility maintenance and inspection reports, work orders, and State Board of Corrections inspections.	4 years	Govt. Code 26202
Health and OSHA; inspections and logs of injuries and illnesses.	5 years	29 C.F.R. 1904.10; 8 CCR 14307
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt Code 26202

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809.5.7 OPERATIONS

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
After Action Reports	2 years	Govt Code 34090
Confidential Informant File	5 years	Staff recommendation
Narcotic Intelligence File	5 years	Staff recommendation
Employee Evaluation File (Supervisor)	2 years	Govt Code 26202
Gang Files	4 years	Govt Code 26202
Inventories	Supersede +2 years	Staff recommendation
Schedules	2 years	Staff recommendation
Use of Force Report	2 years	Staff recommendation
Use of Force Report , Annual Review	2 years	Staff recommendation
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt Code 26202

809.5.8 PROPERTY AND EVIDENCE

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
Evidence	Closed Case	Statute of Limitations
Gun Destruction Logs/court Orders	Permanent	Staff recommendation
Narcotic Destruction Log/ Court Orders	2 years	Govt Code 34090
Property Room Access Log	2 years	Govt Code 26202
Yearly Property Audit	2 years	Staff recommendation
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt Code 26202

809.5.9 INFORMATION TECHNOLOGIES

TYPE OF RECORD or COMMUNICATION	MINIMUM RETENTION	REFERENCE
CAD events	4 years	Purge after 5 years
MDT Messages	100 days	Govt Code 34090.6
Monthly Department Crime Statistics	2 years	Staff recommendation
Press Releases	2 years	Govt Code 34090

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Recordings of Video Monitoring: Includes videotapes or records from an electronic imaging system.	1 year; and until final disposition of any pending legal action or litigation, in which case destruction shall be approved by the legislative body, and the written consent of the agency attorney shall be obtained.	Govt. Code 34090.6, 34090.7
Miscellaneous Files and Records: Includes letters, memos, reports, or documents, other than those specifically addressed in this document, created or received in the normal course of business that are not covered or regulated by other statutes.	2 years, unless the document is repealed or replaced or otherwise determined to be obsolete.	Govt Code 26202

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Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Sheriff or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).

(b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Support Services Division Commander for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

(a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).

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(b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

1. Analysis and conclusions of investigating deputies may also be exempt from disclosure.
2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

(c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.

(d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

810.3.3 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff or as required by law.

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810.3.4 CONCEALED WEAPONS PERMITS

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

810.3.5 DOMESTIC VIOLENCE REPORTS

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k); Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

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Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any EDSO documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Records Manager is the designated Criminal Record Security Officer for the El Dorado County Sheriff's Office. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

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812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer

(b) Records Manager

(c) Full-time employees of the Records Section

(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

812.7 PROTECTION OF CORI

CORI shall be stored in the Records Section where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.

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812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section and in the Detective Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Support Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Support Services Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Support Services Division Commander will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

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Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, deputies should document the following in related reports:

  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

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814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

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(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

(b) Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

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814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

822.2 POLICY

The El Dorado County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092 (f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any El Dorado County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the El Dorado County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the El Dorado County Sheriff's Office and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

(a) Ensure that the El Dorado County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092 (f)(1)(J)(i) and (iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092 (f)(1)(C)(ii)),
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092 (f)(1)(G)),
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092 (f)(1)(J)).
4. Notify the El Dorado County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)).
5. Notify the El Dorado County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes (20 USC § 1092 (f)(3)).

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(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092 (f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092 (f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape and other sex offenses, and what to do if a sex offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092 (f)(8)(B)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining El Dorado County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092 (f)(1)(F)(i)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092 (f)(1)(F)(ii)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092 (f)(7) and 34 CFR 668.46 (c)(7)). The statistics will be categorized separately as offenses that occur (20 USC § 1092 (f)(12) and 34 CFR 668.46 (c)(4)):

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1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus, residential, student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the El Dorado County Sheriff's Office (34 CFR 668.46(c)(2)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092 (f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

822.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092 (f)(4) and 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the El Dorado County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, that may cause a suspect to flee or evade detection, or that could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Investigative Services Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092 (f)(3) and 34 CFR 668.46(e) and (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.

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(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092 (f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to, the following:

1. Crime statistics
2. Crime and emergency reporting procedures
3. Policies concerning security of and access to campus facilities
4. Crime and sexual assault prevention programs
5. Enforcement policies related to alcohol and illegal drugs
6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

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Chapter 9 - Custody

Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the prisoner, or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

902.3 PAT DOWN SEARCHES

When any deputy has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the deputy reasonably believes that the individual may present a threat to officer safety, that deputy may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any sheriff's vehicle, a deputy should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by a deputy of the same sex as the person being searched. Absent the availability of a same sex deputy, it is recommended that a witness deputy be present during any pat-down search of an individual of the opposite sex as the searching deputy.

902.4 BOOKING SEARCHES

(a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:

1. The person is not cited and released

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2. The person is not released on his or her own recognizance
3. The person is not able to post bail within a reasonable time not less than three hours

(b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

902.5 STRIP SEARCHES

No person held at a El Dorado County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

(b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).

(d) The person's actions or demeanor.

(e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at El Dorado County Sheriff's Office facilities shall be conducted as follows (Penal Code § 4030; 28 CFR 115.115):

(a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second deputy of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

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1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the person who was searched.
5. The name and sex of the persons who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner 's authorized representative.

(h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while the prisoner is showering, performing bodily functions or changing clothes, unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner 's consent and/or otherwise protect the prisoner 's privacy and dignity.

902.6 PHYSICAL BODY CAVITY SEARCH

(a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).

(b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).

(c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).

(d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

902.7 TRAINING

The Training coordinator shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.

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Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in the El Dorado County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

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Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The El Dorado County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The El Dorado County Sheriff's Office will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the El Dorado County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

    1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents or a similarly comprehensive and authoritative protocol.

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2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

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904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees or prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Sergeant any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Shift Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Sergeant shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the

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receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the El Dorado County Sheriff's Office.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

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904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Chief Administrative Officer. The Sheriff or Chief Administrative Officer shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

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The Shift Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

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(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from El Dorado County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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The Training coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the El Dorado County Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the El Dorado Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.2.1 VETERAN'S PREFERENCE

Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The El Dorado Department of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the El Dorado or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid California driver's license

(b) The ability to drive safely

(c) The ability to control a motor vehicle at high speeds

(d) The ability to operate a motor vehicle in all types of weather conditions

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a

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pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel

(c) Showing strong moral character and integrity in dealing with the public

(d) Being honest in dealing with the public

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
2. Conviction for two or more misdemeanor offenses under California law as an adult
3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent

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exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc.

(b) A record of being motivated to perform well

(c) A record of dependability and follow through on assignments

(d) A history of taking the extra effort required for complete accuracy in all details of work

(e) A willingness to work the hours needed to complete a job

(f) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

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1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy

(c) Discretion, not enforcing the law blindly

(d) Effectiveness in dealing with people without arousing antagonism

(e) The ability to understand the motives of people and how they will react and interact

(f) The following shall be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations

(b) The ability to make sound decisions on the spot

(c) The ability to use good judgment in dealing with potentially explosive situations

(d) The ability to make effective, logical decisions under pressure

(e) The following shall be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
2. Any adult use or possession of marijuana within one year prior to application for employment
3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
5. Any adult manufacture or cultivation of a drug or illegal substance
6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected

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(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
3. Any illegal or unauthorized use of prescription medications

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Selection Policy

1001.1 PURPOSE AND SCOPE

This policy establishes guidelines governing the selection of personnel for specialized assignments within specific job classifications. This applies to sworn, correctional and professional staff members. Sheriff's supervisory and management staff members, whose assignments may at any time be changed by the Sheriff, are excluded.

It is the policy of the Sheriff's Office to provide career development opportunities to its employees and ensure the most suitable candidates are selected for specialized positions.

1001.2 POLICY

Upon a vacancy being created or the anticipation of a vacancy the Division Commander where the position exists will initiate the recruitment process. The recruitment will be initiated through an Information Bulletin. The Information Bulletin will include the following: Position description, Minimum qualifications, Testing/selection process (if any), Timelines for consideration. Should no candidate express interest in the assignment, the Sheriff or his/her designee will select an employee for the assignment from among employees within the specified job classification pursuant to Personnel Management Resolution #22884, Part 10, Section 1002.

In the event the assignment is for a full time position (investigator, work program officer, etc) or one for which skill pay is attached (FTO, JTO, K9,etc.), the selection process will include the following steps:

1. The Division Commander, or his/her designee, will assemble a panel and schedule all candidates for interviews.

2. The interview panel will be comprised of at least two Sheriff's Office employees, and may include a member of the community.

3. Candidates should consider the interview a formal process and should be properly prepared.

4. Oral board members will be given evaluation forms for rating each candidate's performance and suitability for the assignment.

5. After the interviews are concluded, the board's numerical ranking will be forwarded to the Sheriff for final selection, via the chain of command.

6. The list will remain in effect for a period of six months following the date the Division Commander receives the panel's numerical ranking.

NOTE: Nothing in this General Order shall prevent the Sheriff from exercising his/her right to reassign employees as described in El Dorado County Personnel Management Resolution #22884, Part 10, Section 1002 "The appointing authority may assign an employee from one position to another position in the same class within the department." Nothing in this General Order shall prevent a Division Commander, with approval of the Sheriff, from reassigning personnel, who are in a like assignment, within his/her Division based on the needs of the Division and/or Department. An example would be a Sex Crimes Detective moved to Property Crimes.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall be sent to a POST approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and monthly during the probationary period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire

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except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

1002.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds Standards - The employee's work performance is frequently or consistently above the level of a satisfactory employee. Any factor receiving this rating must have comments describing the reasons the employee exceeds standards.

Meets Standards - Is the performance of a fully competent employee. The employee's work performance consistently meets the standards required of the position.

Improvement Needed - The employee's work performance is below the minimum standards for the position. Effort is needed to improve performance. Any factor receiving this rating must have comments describing the reasons the employee exceeds standards. An Improvement Needed rating must be thoroughly discussed with the employee.

Unacceptable - The employee's performance is inferior to the standards required of the position. It is very inadequate or undsirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. .

1002.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

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1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

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PEER SUPPORT

1003.1 PURPOSE

The El Dorado County Sheriff's Office's most valuable resource is its employees. The Peer Support Program is a voluntary and confidential program. The purpose of the Peer Support Program is to assist personnel with stress created in their personal and/or professional lives, so they can continue to be productive members of this agency.

1003.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to provide department personnel with an informal network of resources and to provide a source of intervention for personal and/or professional issues.

1003.3 DEFINITIONS

Critical Incident/Traumatic Event: Directly experiencing or witnessing actual or threatened death or serious injury or experiencing a threat to one's own physical or the integrity of someone else. Any event that may temporarily overwhelm an individual's usual methods of coping or produce unusual strong reactions.

Critical Incident Stress Debriefing: Deemed appropriate by the Sheriff or his designee, designed to mitigate the physical impact of a traumatic event, prevent the subsequent development of post traumatic stress disorder, and serve as an early identification mechanism for individuals who may require professional mental health follow-up.

Debriefings are a structured group meeting of discussion during which personnel are given an opportunity to discuss their thought and reactions concerning a traumatic event in a controlled environment under the direction of a mental health professional, peer support personnel and Chaplaincy.

Peer Assistance: A process by which trained personnel provide emotional support and referrals for a colleague during crisis or when they are under stress. Generally, peer assistance is sought by the employee in need or suggested by the employee's peer(s) or supervisor. Peer assistance or support is a necessary adjunct to professional mental health guidance and leadership in trauma support services. Peer assistance is not a replacement for the department's Employee Assistance Program (EAP).

1003.4 PROGRAM PARTICIPATION

The peer support team shall consist of the following positions:

- Program Advisor: Sheriff's Lieutenant or Designee
- Program Coordinator: Sheriff's Sergeant
- Mental Health Professional, Psychologist, and/or Counselor Group Network
- Sheriff's Chaplain(s)
- Selected Peer Support Personnel

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1003.5 MEMBER SELECTION

Employees willing to volunteer their time to the Peer Support Program and become a Peer Support team member shall submit a letter or memorandum of interest to the Office of the Sheriff. For selection to participate in the program, employees shall meet the following criteria:

(a) Agree to participate in the program.

(b) Have no work restrictions due to psychological stress.

(c) Are not the subjects of a serious investigation or suffering serious personal issues.

(d) Have earned proficient performance evaluations from supervisors.

Formal selections shall be made by the Program Advisor and Program Coordinator, with the approval of the Sheriff.

1003.6 TRAINING

(a) New team members shall attend a 24 hour P.O.S.T. approved Peer Support training course.

(b) Peer Support personnel shall participate in periodic training sessions scheduled and developed by the Program Advisor.

1003.7 DUTIES

Peer Support personnel may perform the following functions:

(a) Respond immediately when called upon for critical incidents. Callouts may be made by any Division Commander, Watch Commander, Program Advisor, or Program Coordinator.

(b) Callouts may be made whenever any Division Commander, Watch Commander, Division Manager, Program Advisor or Program Coordinator feels Peer assistance is needed for one or more of their members. The Peer Support Advisor or if unavailable their designee, shall be contacted for each callout or incident. Notification will be made by the Peer Advisor to MHN, Peer Support Team Members and the Department Chaplaincy to respond to a critical incident or conduct a Critical Incident Stress Debriefing.

(c) Contact affected personnel to assess their needs and provide necessary assistance.

(d) Provide emotional support to involved personnel who may be experiencing difficult reactions as a result of a critical incident or a personal incident or event.

(e) Provide information to the employee or their family regarding possible reactions they may experience as a result of involvement in a critical incident.

(f) If necessary, suggest resources and refer the employee or family members to a resource(s) outside of the Sheriff's Office.

(g) Contact the employee the day after the incident, or as necessary to assess additional needs.

1003.8 CONFIDENTIALITY

The most important aspect of the Peer Support Program is the promotion of trust, anonymity and confidentiality. With this in mind, it is the intent of the Peer Support Program to keep all communications between Peer Support personnel and employees involved confidential.

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Unless the Peer Support team member is directly involved in, or is a direct witness to an incident that is subject of a disciplinary investigation, no information developed in a Peer Support session can or will be used in any possible disciplinary proceedings.

The following are exceptions to confidentiality are:

(a) The Peer Support team member believes that the employee is a danger to self or others.

(b) The information provided to the Peer Support team member constitutes a criminal offense.

If any of the above conditions exist the Peer Support team member shall report it immediately to the employee's Watch Commander or Division Manager for immediate action or attention.

1003.9 WITHDRAWAL FROM PROGRAM

Peer support personnel may request withdrawal of temporary suspension from the program if serious personal and/or professional problems arise which prevent continued participation. The employee shall write a memorandum to the Program Advisor requesting such withdrawal from the program.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules & regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 329, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual §1020.

1006.2 PROCEDURE

If an employee feels that he or she has a grievance as defined above, then that employee shall observe the procedure as outlined in their bargaining unit Memorandum of Understanding.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances.

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Sheriff's Office of any past and current criminal convictions.

The Support Services Division shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 1003).

The Support Services Division shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 1003).

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Alcohol and Drug Use Policy

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The El Dorado County Sheriff's Office discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty personnel is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Personnel who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. Personnel shall notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. If personnel are unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on County property or at any other time.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.3 EMPLOYEE ASSISTANCE PROGRAM

There is a voluntary Employee Assistance Program available to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources, their insurance provider, or the Employee Assistance Program for additional information.

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Personnel who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.3.1 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

1012.4 WORK RESTRICTIONS

If any personnel inform a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that any person's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the person whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the medical professional (if applicable) who prescribed the controlled substance.

Reasonable suspicion means a suspicion based on objective facts and reasonable inference drawn from those facts, that an employee is under the influence of a drug and/or alcohol. Such facts may include characteristics of the employee's appearance, behavior, mannerisms, speech or body odors. Examples include, but are not limited to:

(a) inability to perform work properly;

(b) behavior creating a safety hazard;

(c) difficulties walking or standing, problems with dexterity, or other physical activity impairments;

(d) impaired ability to speak (i.e. slurred, thick speach);

(e) belligerent or violent behavior or wide mood swings;

(f) excessive unauthorized absenteeism;

(g) any conduct that constitutes a significant change from the individual's usual behavior, or indicates impairment of sound judgement;

(h) Arrest or conviction for drug-related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possesion, use or trafficking (the term trafficking shall also mean distribution.)

The term "under the influence" means the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his/her job safely is reduced due to consumption or use of drugs or alcohol.

If the supervisor reasonably believes, based on objective facts, that a person is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the person from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department. The supervisor will then document the incident in accordance with Personnel Complaint Procedure Policy Manual 1020.

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1012.5 REQUESTING SCREENING TESTS

The Department may request an employee to submit to a screening test if the Department:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

1012.5.1 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1012.6 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

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Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) , the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken. Employees shall also complete an EDSO Time Card describing the nature of sick leave usage (e.g.; family, personal) and the amount of time taken.

1014.2.1 NOTIFICATION

Employees are encouraged to notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

(a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

(b) The exposure occurred without the benefit of applicable exposure controls required by this policy.

(c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1016.2.1 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Department's Exposure Control Officer. The ECO shall be responsible for the following:

(a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).

(b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.

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(c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.

(d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.

(e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.

(f) Maintaining an up-to-date list of sheriff's personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.

(g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Protective Hood or "Spit Sock".
- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

A Protective Hood or "Spit Sock" is a temporary protective hood for use on in-custody subjects where a risk of exposure to infectious disease is present. If used properly, a Spit Sock can reduce the risk of the wearer transmitting fluids (saliva and mucous) from the facial area, from spitting, sneezing or coughing.

A Protective Hood or "Spit Sock" is a temporary protective hood for use on subjects in your custody where a risk of exposure to infectious disease is present. If used properly, a Spit Sock can reduce the risk of the wearer transmitting fluids (saliva and mucous) from the facial area, from spitting, sneezing or coughing.

Improper use may result in serious injury or death due to asphyxiation, suffocation or drowning in ones own fluids.

CONDITIONS FOR USE: Do NOT use a Protective Hood or "Spit Sock" unless:

- Prisoner / Subject is under control and restrained.

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- Prisoner / Subject must be under constant visual supervision and should NEVER be left unattended.
- DO NOT USE on any prisoner / subject that is vomiting, having difficulty breathing, or is bleeding profusely from the area around the mouth or nose.
- Remove prisoner / subject's jewelry and eyewear before application as practical.
- If there is difficulty applying due to large head size, discontinue use.

INSTRUCTIONS FOR USE:

(a) Open and remove Protective Hood / Spit Sock from packaging.

(b) Place the Protective Hood / Spit Sock over the head of the prisoner / subject extending the hood below the nose and mouth area.

(c) The elastic band should extend below the prisoner / subject's mouth and jaw resting loosely around the neck area.

(d) The Protective Hood / Spit Sock is designed to be used on a single person, and should never be reused. Remove when prisoner / subject must be left unattended or the use of the Spit Sock is no longer needed or practical.

(e) After use of a Protective Hood / Spit Sock, the deputy shall dispose of it as a biohazard in an approved biohazard waste container at the hospital, jail facility, or sheriff's office.

The listed protective equipment is to be kept in each sheriff's vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

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1016.3.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

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1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Name and social security number of the employee(s) exposed.

(b) Date and time of incident.

(c) Location of incident.

(d) What potentially infectious materials were involved.

(e) Source of material or person.

(f) Current location of material or person.

(g) Work being done during exposure.

(h) How the incident occurred or was caused.

(i) PPE in use at the time of the incident.

(j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

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If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

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(a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.

(b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).

(c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).

(d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the El Dorado County Sheriff's Office qualifies as a crime victim (Penal Code § 1524.1).

1016.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

(a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.

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(d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

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Smoking Policy

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in El Dorado County Sheriff's Office facilities or vehicles.

1018.2 POLICY

Smoking is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes inside department facilities and vehicles.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking while in public view.

1018.3 EMPLOYEE USE

Smoking is prohibited anytime employees are in public view representing the Department.

Smoking is not permitted inside any County facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes inside County facilities and vehicles.

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Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be available at the front counter at the Sheriff's Office.

1020.2.2 SOURCE OF COMPLAINTS

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

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(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action

(b) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Shift Sergeant log entry.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Sheriff or authorized designee may,

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however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Sergeant, Commanding Officer and Sheriff are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Professional Standards Unit for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Sheriff who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Sheriff for direction regarding their role in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered

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(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Sheriff

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, the following procedures shall be followed with regard to the accused employee(s):

(a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

(b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).

(c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).

(d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).

(e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).

(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the

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employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).

(h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police related death.
- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any County owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

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1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

UNFOUNDED - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

EXONERATED - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

NOT SUSTAINED - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

SUSTAINED - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

NO FINDING - When the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up and the investigation cannot be completed.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is

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necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Sheriff may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Sheriff to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All formal personnel complaints shall be maintained for a period of no less than five years. (Penal Code § 832.5) All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

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Seat Belt Procedure

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the deputy or the public. Employees must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Sheriff.

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Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the El Dorado County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Support Services Division shall ensure that body armor is issued to all deputies when the deputy begins service at the El Dorado County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services Division shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.

(e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled

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(e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 ARMORER/RANGEMASTER RESPONSIBILITIES

The Armorer/Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

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Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Sheriff as a permanent record of a sworn deputy's employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the

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discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the Chief Administrative Officer, County Counsel or other attorneys or representatives of the County in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Shift Sergeant, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146(e)).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

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Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

1. It shall be the responsibility of the involved employee to provide the Training coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
2. The Training coordinator or supervisor shall ensure that copies of such training records are placed in the employee's department file.

(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least five years (Government Code § 34090).
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305).

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
2. Any such employee response shall be attached to and retained with the original adverse comment.
3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original

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comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Professional Standards Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than five years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Section for each employee. Training files will contain records of all training and education mandated by law or

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the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training coordinator or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

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Commendations And Awards Program

1030.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Department Commendations and Awards Program has been established to honor employees in the department for exceptional or meritorious conduct. The Commendation Report will be the official form used in recommending an individual for any of the awards.

1030.2 DUTY TO REPORT

It will be the duty of every employee of supervisory rank to report to his/her Division Commander acts worthy of commendation involving persons under his/her supervision or other employees of the department.

Award nominations may also be initiated by any employee. A Commendation Report form should be completed and directed through the chain of command.

1030.3 COMMENDATION REPORT FORM

The Commendation Report Form will be used by the Supervisor to make an official record of the commendatory act by an employee of the department. A separate Commendation Report shall be prepared for each person commended, and forwarded to the employee's Division Commander. A computerized version of the form is made available on department computers.

1030.4 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander shall review and sign each Commendation Report received for employees under his/her command. If the Commendation report was submitted electronically, then the Division Commander shall review, print, and sign the report. After such review, the Division Commander shall:

(a) Ensure notification to employee of receipt of nomination.

(b) Advise employee the nomination will be reviewed by the Commendation Review Committee.

(c) Forward nomination to Support Services Division Commander for assignment.

1030.5 COMMENDATIONS REVIEW BOARD

All commendations received shall be reviewed by a Board which shall consist of one Sheriff's Deputy, one Correctional Officer, one civilian, one Sheriff's Sergeant, one Correctional Sergeant and one Manager. All Board members will be designated by the Sheriff. This Board will grade all reports, and a majority vote will determine the proper commendation to be issued. The Sheriff will consider the recommendation of the Board and make the final determination of the commendation to be awarded.

1030.6 LETTERS FROM CITIZENS

Any letter from a citizen commending an employee shall be directed to the Sheriff. The Sheriff will determine which of the following procedures will be followed:

(a) The letter is sent to the employee with a copy to his evaluation file.

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(b) If the Sheriff feels the action described in the letter may warrant official department recognition, he can direct the letter to the Commendation Review Board who will investigate and classify the commendation.

1030.7 PREPARATION OF AWARD

Upon approval by the Sheriff the proper award will be prepared by Sheriff's staff.

1030.8 AWARDS CEREMONY

All awards will be presented to the recipient by the Sheriff at an awards ceremony.

1030.9 CITIZENS AWARD

This program also includes the recognition of those citizens who perform an outstanding service to the department and/or community. Employees are encouraged to inform the Sheriff, through the chain of command, of any citizen they feel is worthy of recognition.

The Sheriff shall make such presentation at appropriate times throughout the year as he feels necessary.

1030.10 AWARD CATEGORIES

(a) **Gold Medal of Valor or Gold Life Saving Medal** - Awarded in exceptional cases when a hazardous act is performed by an employee who risks his/her life in so doing. The act must be of such extraordinary nature that the employee exposes him/herself to peril above and beyond the call of duty. Recommendation for the Gold Medal of Valor is based upon the following criteria:

1. Bravery above and beyond that expected in the line of duty.
2. Where failure to take such action would not justify censure.
3. Where the risk of life actually existed and the employee had sufficient time to evaluate it.
4. Where the objective is of sufficient importance to justify the risk.
5. Where the employee accomplishes his/her objective or is prevented from same by incurring a disabling injury or death.
6. The Gold Life Saving Medal meets the same criteria for the Gold Medal of Valor with the addition of the following criteria:
   (a) Includes the attempt to save/sustain life of another person by displaying personal risk to ones self.

(b) **Silver Medal of Valor or Silver Life Saving Medal** - Awarded for extraordinary heroism and conspicuous bravery in the line of duty. This award would be considered when the circumstances do not fall within the provision required for a Gold Medal of Valor. Recommendations for the Silva Medal of Valor are based upon the following criteria:

1. Where the employee demonstrates outstanding bravery in the performance of his/her duties under circumstances not within the provisions required for a Gold Medal of Valor.
2. Where the employee risks his/her life with full and unquestionable knowledge of the danger involved or where a reasonable person would assume his/her life to be in danger.
3. Where the employee's objective is of sufficient importance to justify risk.

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4. Where the employee accomplishes his/her objective or is prevented from same by circumstances beyond his control.
5. The Silver Life Saving Medal meets the same criteria for the Silver Medal of Valor with the addition of the following criteria:
   (a) Includes the attempt to save/sustain life of another person.

(c) **Bronze Medal of Valor or Bronze Life Saving Medal** - Awarded for courageous or heroic actions in the line of duty when the circumstances do not fall within the provisions required for the Gold and Silver Medal of Valor, however, the act was of such magnitude that the recipient is worthy of the Bronze Medal of Valor. Recommendation for the Bronze Medal of Valor is based upon the following criteria:

1. Where the act of the employee does not meet the provisions required for Gold or Silver Medal of Valor.
2. Employee performed efficient and valuable service to the department or to the community.
3. Where the employee accomplished the objective or was prevented from the same by circumstances beyond his/her control.
4. The Bronze Life Saving Medal meets the same criteria for the Bronze Medal of Valor with the addition of the following criteria:
   (a) Includes the attempt to save/sustain life of another person.

(d) **Distinguished Service Award** - Awarded to members for conspicuous bravery for exceptional service. Such service may be for a specific instance, or it may be for outstanding performance of general duties over an extended period of time. This award could be considered when circumstances do not fall within the criteria for a Bronze Medal of Valor. Recommendation for the Distinguished Service Award is based on the following criteria:

1. Where the member exhibits either conspicuous bravery without direct and present risk to his/her own life, or performs outstanding, efficient, and effective service to the community we serve
2. Either above noted action should be exceptional and therefore above the level one would normally expect for the nominated member's assignment.
3. Where the member's objective was clearly identifiable, even though it may not be fully realized due to circumstances beyond his/her control.

(e) **Certificate of Commendation** - Awarded for outstanding service and dedication to the community or the department which reflects credit upon law enforcement in its highest tradition. Recommendation for a Certificate of Commendation is based upon the following criteria:

1. Where the act of the employee does not meet the provisions required for a Gold, Silver or Bronze Medal, or a Distinguished Service Award.
2. Employee performed efficient and valuable service to the department or to the community.
   (a) Such service may be a specific instance or it may be an outstanding performance of duties over an extended period of time.
3. The Life Saving Certificate of Commendation meets the same criteria for the Certificate of Commendation with the addition of the following criteria:
   (a) Includes the attempt to save/sustain life of another person.

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(b) Substantially participated in an attempt to save life by demonstrating life saving skills.

(f) **Letter of Commendation** - Given for ordinary work of a routine nature but deserving of official notice.

(g) **Memo of Appreciation** - Recognized routine work accomplished in compliance with official departmental guidelines. The memo shall be handled through the normal chain of command.

1030.11 PRESENTATION OF AWARDS

(a) **Gold Medal Of Valor**

1. The presentation of a framed award certificate, a framed copy of which shall be conspicuously displayed and maintained in the appropriate division area.
2. The presentation of a Gold Medal of Valor decorated with a red, white and blue ribbon.
3. The presentation of a red, white and blue military style breast ribbon, approximately 1-1/4" x 3/8" and having a "V" displayed in the center. This bar shall be worn on the service blouse.
4. A copy of the Commendation Report and any related documents will be placed in the employee's personnel file.

(b) **Silver Medal of Valor**

1. The presentation of a framed award certificate.
2. The presentation of a Silver Medal of Valor decorated with a red and white ribbon.
3. The presentation of a red and white military style breast ribbon, approximately 1-1/4" x 3/8" and having a "V" displayed in the center. This bar shall be worn on the service blouse.
4. A copy of the Commendation Report and any related documents will be placed in the employee's personnel file.

(c) **Bronze Medal of Valor**

1. The presentation of a framed award certificate.
2. The presentation of a Bronze Medal of Valor decorated with a blue and white ribbon.
3. The presentation of a blue and white military style breast ribbon, approximately 1-1/4" x 3/8" and having a "V" displayed in the center. This bar shall be worn on the service blouse.
4. A copy of Commendation Report and any related documents will be placed in the employee's personnel file.

(d) **Certificate of Commendation**

1. The presentation of a framed award certificate.
2. A copy of the Commendation Report and related documents will be placed in the employee's personnel file.

(e) **Letter of Commendation**

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1. The employee shall receive a written letter of commendation from the Sheriff, a copy of which is to be placed in the employee's personnel file.
2. A copy of the Commendation Report and related documents will be placed in the employee's personnel file.

(f) **Memo of Appreciation**

1. A copy of recommendation for commendation shall be placed in the employee's evaluation file. The memo shall be handled through the normal chain of command.

1030.12

The following awards will also be presented by the Sheriff:

- Deputy of the Year
- Correctional Officer of the Year
- Employee of the Year
- Dispatcher of the Year
- Sworn Supervisor of the Year
- Civilian Supervisor of the Year
- Sworn Manager of the Year
- Civilian Manager of the Year
- Volunteer of the Year
- Citizen of the Year
- Team of the Year
- Citizen of the Year

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 PROCEDURE

In order to assist in ascertaining the continuing emotional and mental fitness of El Dorado County Sheriff's Office sworn, Correctional and Sheriff's Security Officers to carry out their official duties, all supervisory employees shall at all times be alert to any indication that any officer under his or her command may not be emotionally or mentally fit. Such indications include, but are not necessarily limited to, the following:

(a) One or more civilian sustained complaints, whether generated externally or internally, particularly complaints of the use of unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating a possible inability to exercise self-control and self-discipline.

(b) A change in customary behavior;

(c) Symptoms of use of drugs and/or alcohol, including;

(d) Loss of memory;

(e) Avoidance of reference to personal chemical use;

(f) Loss of control;

(g) Alibis or excuses;

(h) Reproof of significant others;

(i) Aggression;

(j) Persistent remorse;

(k) Loss of friendship;

(l) Resentments;

(m) Escape geographical, psychological, social;

(n) A pattern of conduct indicating an inability to defuse tense situations and/or a tendency to escalate or create such situations or confrontation;

(o) Involvement in a shooting or other incident resulting in death or serious injury;

(p) Expression by the officer, direct or indirect, of doubts concerning his/her own mental or emotional stability or suicide threats.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

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(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Sergeant or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist

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regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in Policy Manual § 340 (Disciplinary Policy).

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Wellness Program

1033.1 PURPOSE AND SCOPE

The on-duty exercise/training program is designed to provide participants an opportunity to be physically and mentally well. This includes, but is not limited to, emotional and stress management and diet. The component of the program is on-duty exercise/training. The intention of the on-duty exercise/training is not to "body build", but to exercise to maintain healthy bodies and minds. Therefore, participants shall limit the amount of weight lifted and exercise done to avoid injury or sickness.

1033.2 POLICY

The following guidelines will be used during the on-duty exercise/training program. The following apply to all authorized personnel, restricted to the following: sworn, correctional officers, and dispatchers.

(a) Exercise is highly recommended, but not mandatory.

(b) On duty exercise/training will be scheduled during regular work hours, three (3) days a week, for one hour each day.

(c) There will be no overtime paid or compensatory time allowed for exercising.

(d) Participant must receive authorization to participate, from their supervisor, before engaging in on-duty exercise.

(e) Staffing and department priority will take precedence over the exercise program.

(f) If, for any reason, the scheduled exercise period is missed, there will be no rescheduling for makeup.

(g) Due to injuries which have occurred in the past, participants of the on-duty exercise/training program will not play, or otherwise engage in, any contact sports or lift the amount of weight which could increase the likelihood of injury as part of his/her exercise or fitness program.

(h) On-duty exercise/training shall be confined to the Sheriff's facilities, with the exception of walking or jogging within a reasonable distance from the Sheriff's facilities.

NOTE: The exercise equipment in the Sheriff's Department exercise rooms is considered Sheriff's Department property and can be utilized by all for the exercise/training program.

1033.2.1 THE FOLLOWING PERTAINS TO SWORN PERSONNEL ONLY:

(a) Those deputies scheduled to exercise during the first hour of their shift will be at briefing prepared for duty.

(b) Deputies will not anticipate working out prior to showering, shaving, etc. Workout clothing is acceptable only if approved by the Patrol Supervisor prior to the start of briefing.

(c) Those deputies scheduled to exercise during the last hour of their shift will be at the office not earlier than 10 minutes before the hour. All reports and paperwork will be completed before exercise begins.

(d) The on-duty sergeant will have the discretion, based on facts such as: workload, number of available units, in progress incidents, etc. on whether deputies will work patrol or exercise.

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Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the Chief Administrative Officer.

1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Patrol deputies shall notify Central Dispatch prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Central Dispatch.

1034.1.3 NUMBER OF EMPLOYEES ALLOWED

No more than three EDSO distinguishable deputies and/or correctional officers shall take meal periods or breaks at the same facility at the same time.

No more than two distinguishable Sheriff's vehicles shall be at the same facility at the same time.

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Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Central Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Payroll records are submitted to Administrative Services on a bi-weekly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

All supervisors/managers responsible for signing and approving time cards are responsible for ensuring the accuracy of the employee's time card, including the hours worked, time off, and ensuring that all overtime was authorized and in accordance with Sheriff's Office and County policies.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis on Friday, with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administrative Services no later than 8:00 a.m. on the Friday morning before the end of the pay period, unless specified otherwise.

When employees' time sheets are listed as "Approved" in the Kronos/TeleStaff system, Sheriff's payroll staff will print the time card and change the status to "Payroll Preparation". Any changes to time sheets after the status has been updated to "Payroll Preparation" must be made using the "Amendment to Time Card" form located in Google Shared Documents. It is the employee's responsibility to ensure that all corrections are properly entered into TeleStaff.

"Amendment to Time Card" forms must be signed by a supervisor, then FAXed to as soon as possible to Sheriff's Payroll at 530-642-9473. The completed form and FAX receipt will be given to the Administrative Sergeant or other supervisor responsible for payroll in the employee's department.

"Amendment to Time Card" forms received prior to noon on the Saturday following the last day of the pay period shall be processed by Sheriff's Payroll immediately. Forms received by Sheriff's Payroll after noon on the Saturday following the last day of the pay period will be processed with the next pay period. (See example)

Example: The employee works overtime after his/her time card has been updated to PAYROLL PREPARATION in pay period 10. He/she submits an Amendment to Time Card form after noon on the Saturday following the end of the pay period. The overtime will be included in pay period 11 as it would have been paid in pay period 10, even if there is time off in pay period 11.

If there is a County Holiday in the pay period, the above times may change. Employees will be notified via an Information Bulletin of any changes to due dates and times.

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Overtime Payment

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through their Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an EDSO Timesheet reflecting the hours worked and the overtime code.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All overtime requests must be expressly approved by a supervisor in advance. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the amount established in their respective MOU.

1038.2 OVERTIME AUTHORIZATION

Employees shall have all overtime verified and signed by their immediate supervisor, or other authorized supervisor in his/her absence, before submitting the EDSO Time sheet to Payroll. Failure to follow this procedure may result in a delay or denial of compensation.

1038.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Call-back compensation, three hours for Court). Supervisor approval must be obtained in each case.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest fourth of an hour as indicated by the following chart:

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TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1038.4 SCHEDULING FOR TRAINING

(a) Employees attending a training, class or conference of five (5) or more days shall have their work schedule adjusted to match the class schedule. For example, an employee working a 12-hour schedule or a 4/10 schedule with a paid lunch hour, who is assigned to attend a 5-day class, shall have his or her schedule changed to 5/8 without a paid lunch for that week. Pursuant to Section 18 of the MOU with the Deputy Sheriff's Association, Section 1 of Article 7 of the MOU with the El Dorado County Employees' Association and Section 1 of Article 7 of the MOUs with the Operating Engineers' Local 3, the Training Section will notify the employee of the schedule change when the employee is notified of approved training. Requests for training must be submitted thirty (30) days in advance to ensure that timely notice can be given. Requests submitted less than thirty (30) days in advance will be denied unless the employee is willing to waive notice or the Division Commander authorizes any resulting overtime.

Whenever possible, an employee who is assigned to one shift and who must attend a training session during another shift shall have his or her work schedule adjusted by his or her supervisor so that the shift on which training is provided is the employee's regular shift for that day. Appropriate notice must be given to the employee pursuant to the applicable MOU. Supervisors will be held responsible for failing to make such schedule changes if overtime charges are incurred which could have been avoided.

(b) Travel time between an employee's home and the location of a training course, class or conference will be treated as normal commuting time and such time will not be compensated unless and to the extent that it cuts across the employee's then-assigned work hours.

(c) Compensation will not be paid for employee's travel to a location where he or she must stay overnight to attend training, classes or conferences, unless the travel time cuts across the employee's assigned work hours in a work day or cuts across corresponding work hours on non-working days.

(d) Compensation related to travel time for trainings, classes or conferences not addressed in subsections (b) or (c) above, will be treated as follows: Travel time to and from an

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approved training, class or conference will not be compensated unless and to the extent that it cuts across the employee's then-assigned work schedule for the day. As to travel time for a training, class or conference that exceeds the employee's then-assigned work schedule for the day, only the driver who is using their own car instead of public transportation, for authorized overnight travel to and from the training, class or conference location, and not employees who are passengers in any mode of travel, shall have that period of travel included for purposes of computing any overtime compensation due for the relevant pay period.

(e) Only one vehicle traveling to a single destination will be authorized, unless more than four employees are traveling to a single location and a second vehicle is required to accommodate all of the employees. Travel shall be accomplished in the most economical, reasonable manner available, and should an employee select some other means of transportation, any required reimbursement or compensation shall not exceed the amount of the most economical means of transportation.

(f) This policy shall apply and be implemented in accordance with FLSA requirements.

1038.5 VACATION/COMPENSATORY TIME OFF

Employees shall not be granted vacation and/or compensatory time off and then allowed to work that same shift and earn overtime. Approval of vacation and/or compensatory time of shall be deemed withdrawn if the employee ultimately works the shift for which they have requested time off. For example, a Deputy assigned to a day shift in Patrol may not take the day shift off as vacation or compensatory time off and then work that day shift for the Transportation Section and be paid at an overtime rate.

1038.6 RESPONSIBILITY FOR COMPLIANCE

Supervisors and managers shall be responsible for insuring compliance with the provisions of this Policy. The Department's Payroll Section shall bring any apparent violations of the Policy to the attention of the responsible supervisor or manager who shall take necessary corrective action.

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Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must submit a memorandum describing the nature of the employment to the employee's immediate supervisor. The memorandum will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved memorandum. Unless otherwise indicated in writing on the approved memorandum, it will be valid through the end of the calendar year in which approved. Any employee seeking the renewal of authorization shall submit a new memorandum each year.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Request is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

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1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

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

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permission. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of permission for outside employment

(b) Suspension or revocation of a previously approved outside employment permission may be included as a term or condition of sustained discipline

(c) If, at any time during the term of valid permission for outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, the permission may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previous approval for outside employment may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

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(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the departmental uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this department.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of valid permission, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

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Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outsdie employment, a notice of revocation of the member's permission for outside employment will be forwarded to the involved employee, and a copy attached to the original outside employment request.

Criteria for revoking permission for outside employment include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the El Dorado County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

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On Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Risk Management, to ensure proper medical attention is received, and document the circumstances of the incident.

1042.2 WORKER'S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to the "Company Nurse" and a DWC-1 claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, or at the time the "Company Nurse" is called and the supervisor is notified.

1042.2.2 ACCIDENT DEFINED

Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident within 24 hours of incident or as soon as practical to his/her supervisor and the "Company Nurse".

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

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1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under this policy. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

When an accident, injury, or illness is reported initially to the "Company Nurse" and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

1042.2.5 SHERIFF RESPONSIBILITY

The Sheriff, or his/her designee, shall review and forward copies of the DWC-1 report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Injuries and illnesses not requiring medical attention will still need to notify "Company Nurse".

By notifying "Company Nurse", the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County, and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Sheriff. The purpose of such notice to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. Hair shall not extend below the upper 1/2 of the ear nor extend lower on the forehead than the eyebrows, if combed forward.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification.

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the El Dorado County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

Section 1045 Personal Appearance Standards

Section 1047 Uniform Specifications

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

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(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel and Correctional Officers. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie.

(b) Polished shoes.

(c) Metal name plate and authorized yellow metal section pin.

(d) Department issued metal badge.

(e) Boots with pointed toes are permitted.

1046.3.2 CLASS B UNIFORM

All Deputies and Correctional Officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) For Deputy Sheriffs, Sheriff's Sergeants, Correctional Officers and Correctional Sergeants, a black crew neck shirt must be worn with the uniform. Sheriff's Lieutenants and above have the option of wearing a white or black t-shirt, at their discretion.

(c) A black turtle neck or Dickie may be worn with long sleeve uniform shirt.

(d) All shirt buttons must remain buttoned except for the last button at the neck.

(e) Shoes for the Class B uniform may be as described in the Class A uniform.

(f) Approved all black unpolished shoes may be worn.

(g) Embroidered name and authorized section embroidery.

(h) Boots with pointed toes are permitted.

1046.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The department issued cloth badge is authorized on this uniform.

The Class C uniform consists of the Class C, "5.11 TDU", pants, TDU Green, ripstop, described in 1047.2.2, and the Class C, "5.11 TDU", shirt, TDU Khaki, ripstop, described in 1047.2.3.

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(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) For Deputy Sheriffs, Sheriff's Sergeants, Correctional Officers and Correctional Sergeants, a black crew neck shirt must be worn with the uniform. Sheriff's and Correctional Lieutenants and above have the option of wearing a white or black tshirt, at their discretion.

(c) A black turtle neck or Dickie may be worn with long sleeve uniform shirt.

(d) All shirt buttons must remain buttoned except for the last button at the neck.

(e) Shoes for the Class C uniform may be as described in the Class A uniform.

(f) Approved all black unpolished shoes may be worn.

(g) Boots with pointed toes are permitted.

(h) Embroidered name and authorized section embroidery.

(i) Embroidered badge as currently authorized by policy.

(j) Pants will be worn unbloused with any drawstrings removed.

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 1/2-inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first (optional) and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(f) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

(g) United States Military Ribbons - A sworn EDSO member who is a current active, reserve or honorably discharged or retired U. S. Military member/veteran who was awarded ribbons during their service may wear these ribbons on their Class A (Ike) Jacket. The ribbons are to be centered above the right breast pocket. Your required EDSO name plate should be centered on the top of the pocket flap, below the bottom

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row of ribbons. Your branch of service regulations on the wearing of these military ribbons will set the precedence of their order, senior to junior. The wearing of these ribbons is authorized by the Sheriff or his designee for military/veteran related events, such as, military veteran funerals or other military memorial events, as directed by the Sheriff. (Military medals and badges are not authorized).

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) A deputy of this department - From the time of death until midnight on the 14th day after the death.

(b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Sheriff.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are professional in style. When appearing in court a tie of conservative design shall be worn.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are professional in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or "flip-flops"
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins
6. Jeans of any color.

(e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the El Dorado County Sheriff's Office or the morale of the employees.

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(g) Employees may wear authorized Polo with employee name and title (civilian), as described in policy 1047.2.3 (h), for specified assignments, with Division Commander approval.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, El Dorado County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the El Dorado County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Policy Manual § 700)

1046.7.1 RETIREE BADGES

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the El Dorado County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words Honorably Retired clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the El Dorado County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

El Dorado County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

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El Dorado County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

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Uniform Specifications

1047.1 PURPOSE AND SCOPE

The purpose of this order is to address the official uniform specifications for all uniformed personnel.

Note: Correctional Officer uniform standards are specified in Custody Division Jail Manual, Section 1.05.

1047.2 UNIFORMS

1047.2.1 HEADGEAR

(a) Campaign (optional)

1. Material Color - Conservation GREEN (Felt) or Forest GREEN (Straw).
2. Style - Campaign, model F40 as manufactured by Stratton. Brim width must measure 3 inches all distances from crown. Gold braid cord with acorn ends.
3. Hat Shield - As illustrated in Ed Jones catalog No. 779. Shield shall be centered and attached on front of hat face, as provided for by manufacture.

(b) Special Duty Cap (optional)

1. Material Color - BLACK cloth
2. Style Baseball style, with a 3-inch brim.
3. Hat shield - Yellow embroidered three quarter inch letters "SHERIFF" centered horizontally on front of cap and one half inch letters "EL Dorado County" arches so that top of arch is two inches from bottom of "Sheriff". Management personnel may have yellow embroidered leaf vines ("scrambled eggs") on cap brim face. No other writing, markings, or embroidery is authorized.
4. Specialty Unit's Duty Cap - Other caps may be approved by the Sheriff for specialty units such as DARE and K-9. These caps may not be worn during regular duty assignments.

(c) Foul Weather Cap

1. Material Color - BLACK vinyl shell with black fur on synthetic liner. Strap with snaps to secure earflaps in up or down position.
2. Style - "Arctic" style, with singular flap that extends over the rear and ears, and flap in front would extend over the forehead of the user as a brim.
3. Hat shield - Shield shall be centered and attached on front of hat face.

(d) Foul Weather Knit Cap

1. 100% acrylic Wintuk or synthetic blend (polyester / spandex fleece), black in color, manufactured to meet the Department of Defense specifications for material, thread use, colorfastness, design, measurement, and finished weight.
2. Shall have embroidered above the fold, in the center of the cap, "EL DORADO COUNTY SHERIFF" in yellow/gold "Manilla" thread.

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1047.2.2 TROUSERS

(a) Long Pants-Class "A"

1. Material Color - Forest GREEN, 100% two-ply wool or approximately 55% wool and 45% Dacron blend.
2. Style - To be a slack-type, plain without pleats. Front pockets shall have a minimum opening of 6 inches and shall be 5 inches by 6 inches deep from the bottom of the opening. Pockets shall have straight bartacks. Hip pockets are optional (Velcro fasteners on hip pockets are prohibited).
3. Waistband shall be a minimum of 2 inches wide and shall be closed with a crush-proof hood and eye. Waistband curtain shall have "Snugtex" (or equivalent) and be 65% Polyester/35% Cotton with durable press finish and shall match the color of the pocketing.
4. Belt Loops - There shall be seven belt loops positioned with uniformity about the waist, with loops measuring inches wide and 2 inches in height. All loops shall be sewn into the "rocap".
5. Reference - Horace Small 1927, Fechheimer #35265, or equivalent.

(b) Long Pants Class "B"

1. Material Color Forest GREEN, 100% polyester material.
2. Style - To be a slack-type, plain without pleats. Front pockets shall have a minimum opening of 6 inches and shall be 5 inches by 6 inches deep from the bottom of the opening. Pockets shall have straight bartacks. Waistband shall be a minimum of 2 inches wide and shall be closed with a crush-proof hood and eye. Waistband curtain shall have "Snugtex" (or equivalent) and be 65% Polyester/35% Cotton with durable press finish and shall match the color of the pocketing.
3. Belt Loops - There shall be seven belt loops positioned with uniformity about the waist, with loops measuring inches wide and 2 inches in height. All loops shall be sewn into the "rocap".

(c) Long Pants Class "C" €š 5.11 TDU Pants

1. Material TDU Green (190) in color, approximately 65% polyester, 35% cotton blend, ripstop.
2. Style Side cargo pockets with Velcro flap, rear pockets with Velcro flap and slant opening front pockets (six pocket style).
3. Belt Loops 2 inch belt loops evenly spaced around waistband.
4. Reference "5.11 TDU" # 74003 (ripstop).

1047.2.3 SHIRT

(a) Long Sleeve Class "A"

1. Material - Silver TAN tropical, approximately 55% Dacron/45% Rayon, or wool blend, two-ply. To accept a Military press. Sewn on Military creases will not be permitted.
2. Body - Extra form-fit: attached cross-stitched shoulder straps with matching button and buttonhole: placket front and normal shirt tail for inside wear only.

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3. Sleeves - Long Sleeve-To be cut straight and whole, with 5 inch sleeve vent. Sleeve shall have a one-piece, round elbow reinforcement and vent facing. Elbow reinforcement shall extend into the sleeve-closing seam.
4. Lower facing shall measure approximately inch in width. Cuff to measure 3-inch with rounded corners. There shall be two buttons with corresponding buttonholes on each cuff and one button and buttonhole in the sleeve facing.
5. Pockets - Plain with scalloped flaps; pencil slot in left pocket; and matching button and buttonholes on pockets.
6. Collar - Long Sleeve shirts-Medium spread; satin yoke and band lining; and permanent collar stays attached to collar.
7. Embroidering - Employees First initial (optional) and Last name will be embroidered centered and above the right breast pocket with " Black Thread. (see 1047.6.4 for specifications)
8. Reference - El Beco #257-3 or #247, Flying Cross 6504, or equivalent.

(b) Long Sleeve Class "B"

1. Material - Silver TAN tropical, polyester/rayon, as desired by employee. Wash and wear, to accept a Military press.
2. Body - Extra form-fit: attach cross-stitched shoulder straps with matching button and buttonhole, placket front, and normal shirt tail for inside wear only.
3. Sleeves - Long Sleeve-To be cut straight and whole, with 5 inch sleeve vent. Sleeve shall have a one-piece, round elbow reinforcement and vent facing. Elbow Reinforcement shall extend into the sleeve-closing seam.
4. Lower facing shall measure approximately inch in width. Cuff to measure 3 inches with rounded corners. There shall be two buttons with corresponding buttonholes on each cuff and one button and buttonhole in the sleeve facing.
5. Pockets - Plain with scalloped flaps; pencil slot in left pocket; and matching button and buttonholes on pockets.
6. Collar - Long sleeve shirt-Medium spread.
7. Embroidering - Employees First initial (optional) and Last name will be embroidered centered and above the right breast pocket with " Black thread. (see 1047.6.4 for specifications.)
8. Reference - El Beco #336-3 or #, Flying Cross #19W6604, or equivalent.

(c) Short Sleeve Class "B"

1. Material - Silver TAN tropical, polyester/rayon blends, as desired by employee; wash and wear. To accept a Military press.
2. Body - Extra form-fit: attached cross-stitched shoulder straps with matching button and buttonhole: placket front; and normal shirt tail for inside wear only.
3. Sleeves - To have stitched false cuff.
4. Pockets - Plain with scalloped flaps; pencil slot in left pocket; and matching button and buttonholes on pockets.
5. Collar - To have sport collar style.
6. Embroidering - Employees First initial (optional) and Last name will be embroidered centered and above the right breast pocket with " Black thread. (see 1047.6.4 for specifications.)
7. Reference - El Beco #4336-3 or #248-3, Flying Cross 69F6604, or equivalent.

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(d) Long Sleeve Class "C"

1. Material/Color - TDU Khaki (162) approximately 65% polyester, 35% cotton blend, ripstop. To accept a Military press.
2. Body - Extra form fit: attached cross stitched shoulder straps with matching button and buttonhole: placket front¾ and normal shirt tail for inside wear only.
3. Sleeves €š double reinforced elbow and stitched false cuff.
4. Pockets - Plain flap with Velcro closure¾ and matching button and buttonholes on pockets. Hidden document pocket beneath.
5. Embroidering - Employees First initial (optional) and Last name will be embroidered centered and above the right breast pocket with " Black thread," " block letters, all capital letters.
6. Badge €š Sheriff's Office metal badge or embroidered badge as authorized by current policy.
7. Reference "5.11 TDU" #72002

(e) Short Sleeve Class "C"

1. Material/Color - TDU Khaki (162) approximately 65% polyester, 35% cotton blend, ripstop. To accept a Military press.
2. Body- Extra form fit: attached cross stitched shoulder straps with matching button and buttonhole: placket front¾ and normal shirt tail for inside wear only.
3. Sleeves €š Must be professionally altered from long sleeves to extend to or slightly above the elbow. The sleeve is not to extend below the elbow.
4. Pockets - Plain flap with Velcro closure¾ and matching button and buttonholes on pockets. Hidden document pocket beneath.
5. Embroidering - Employees First initial (optional) and Last name will be embroidered centered and above the right breast pocket with " Black" thread, " block letters, all capital letters.
6. Badge €š Sheriff's Office metal badge or embroidered badge as authorized by current policy.
7. Reference "5.11 TDU" #71002 (long sleeve)

(f) Sweater

1. Woolly Pully Sweater: 100% Wool; V-Neck; Color: BLACK in color, with epaulets. A departmental patch will be worn on each sleeve and shall be centered on the sleeve -inch below the shoulder seam. The departmental metal or cloth badge shall be worn on the left side. Employee's name embroidered in gold thread, on the right side. (see 1047.6.4 for specifications.)
2. Reference - Woolly Pully, Commando 200, or equivalent.

(g) Turtle Neck Sweater (Dickeys)

1. Material Color BLACK, 100% Acrylic or cotton blend.
2. Style Turtle neck dickey, no designs or patterns. May have sleeves or sleeveless.
3. Reference Samuel Broome Manufacture, Model T-96 or comparable equivalent.
4. May only be worn with Long sleeve shirt or jumpsuit.

(h) Polo Shirt "5.11"

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1. "Professional Polo" - short sleeve, 100% cotton, reference #41060.
2. "Professional Polo" - long sleeve, 100% cotton, reference #42056.
3. Performance Polo" - short sleeve, 100% Polyester, reference #71049.
4. "Performance Polo" - long sleeve, 100% Polyester, reference #72049.
5. Polo shirts authorized colors include: Red 477(range/training staff only), Black 019, Silver Tan 160, Dark Navy 724, White 010.
6. Employee name to be embroidered as described in 1047.6.4, position or title to be included with name for civilian employees, badge to be embroidered to replicate authorized cloth badge.

1047.2.4 NECKTIES

(a) Material Color - BLACK. Rayon and Acetate Worsted fabric or equivalent.

(b) Style - "Four-in Hand", break away or clip-on tie.

(c) Neckties to be worn only with long sleeve shirts.

1047.2.5 METAL NAME PLATE (CLASS A, SHIRT AND IKE JACKET)

(a) Construction: Name places will be polished YELLOW metal, inch in height, with -inch stamped BLACK lettering. Plates to be secured with two clasps, extending to the rear.

(b) Attachment: Shall be centered over the right breast pocket with the bottom of the plate directly above the seam of the flap pocket.

1047.2.6 TIE BAR

(a) Material - Florentine YELLOW metal, with to 5/16 inches in height and width compatible to the width of the tie when affixed to the uniform shirt at upper pocket flap height.

(b) Style - Plain yellow metal, no engraving or plain yellow metal with department sevenpoint miniature star or tie tack. No handcuff or gun depicting type tie bars.

1047.2.7 FOOTWEAR

(a) Uniform (Standard)

1. Material: Color BLACK, leather or similar appearance.
2. Style: Plain-toe shoe or boot, smooth finish to accept polish. Designed to fit so as to prevent trouser hang. Laces and eye-lets shall be black; **or**
3. Style: Pointed Toe boot. Black leather with smooth finish to accept polish. The toe will be plain and shall conform to the contour of the sole. Soles shall not be more than 3/4 inch thick. Heels shall not be more than 1 1/2 inch thick when measured from the bottom of the heel to the top of the sole. Boots shall not have a wedge-type sole, have a squared or beveled heel (an approximately 1/4 inch bevel, as found on Acme boots is acceptable). Spur straps, ornamental stitching, taps, or non-functional buckles (such as the type found on engineer boots) are not allowed. Boots must be of a style that will not impede the member's ability to run on either paved or unpaved areas.

(b) Foul Weather

1. Material Color - BLACK, leather or similar appearance at toe. Upper boot may be of "Gore-Tex" or other weather resistant material.

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2. Style - Plain-toe boot, smooth finish with shine or to accept polish. Designed as a water resistant and insulated boot. Boot shall fit snugly, so as to prevent trouser hang. Laces and eyelets shall be black in color.
3. Reference - "Danner" insulated boot; "Sorrel" Raider; or similar.

(c) Tennis/Hiking Shoe

1. Material - Solid color: BLACK, BROWN or GREEN. Rubber sole, canvas or leather type upper.
2. Style - Tennis, boat or hiking shoe, shall be of a solid color. No exaggerated manufacture design, i.e., bold colors, trade name, etc. Lacing or Velcro will be permitted in the color of the shoe.

1047.2.8 BELT

(a) Leather

1. Material Color BLACK, leather, 8-9 ounce top grain cowhide.
2. Style Stamped basket weave design with Craftool Company #511 basket and border stamp. 1 inch or 1 inch width with single gold color metal prong tongue buckle shall be no wider than 2 x 2 inches (no decorative belt buckles).

(b) Nylon

1. Material Color BLACK, nylon webbing.
2. Style Special duty 1 inches wide nylon webbing, with swiveling metal "D" ring (silver or black), securable with Velcro strap.
3. Reference "The Alpine Octopus" manufacture, CMC Rescue, or similar design.

1047.2.9 JACKET

(a) Dress Jacket (Class "A")

1. Fabric Color - Forest GREEN, 10-20 ounce wool or Dacron-wool gabardine blend.
2. Style - Military "Ike" jacket. Peak lapel with metal zipper front closure to the top of the breast pockets. Two-inch pleat across the back, with waist adjustable strap on both sides with yellow metal Eureka buttons. Two-inch wide epaulets on each shoulder, fastened with yellow metal Eureka buttons.
3. Department piping:
   (a) Deputy/Officer and Sergeant: One, FOREST GREEN piping, bordered in 1/8" GOLD colored fabric to be attached horizontally from seam to seam on the front of the sleeve, three inches from end to each sleeve (cuff).
   (b) Lieutenants and above: Same as above with GOLD colored fabric braid stripe.
4. Pockets - There shall be two box pleated patch breast pockets finished approximately 5-3/4 x 6-3/4 inches, with three pointed scalloped flaps and yellow metal Eureka buttons (breast pockets are non-opening).
5. Badge holder - Shall be centered over the left breast pocket and the center of holder to be sewn 1-1/2 inches above the pocket.

(b) Foul Weather

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1. Fabric Color - BLACK, 100% Nylon super twill; "Cordura/Taslan"; or waterresistant fabric.
2. Lining - Body and sleeve lined with -inch Poly-foam quilted to 70 denier Nylon Taffeta face with non-woven back; or to 88-count Nylon Tricot; or "Gore-Tex Z-liner"; "Thinsulate"; or similar.
3. Collar - Upper and under-collar shall be interlined. "Borg" -inch Orlon Pile upper collar (imitation fur) optional. Collar shall be attached so there is a clean edge, and there shall be a storm flap made of the outer fabric.
4. Basic design - Concealed zipper front; hip length (3/4 or waist length) with separate waistband; Hood optional (Blauer GTX 9121).
5. Sleeves - Coat style sleeves. Button of sleeves shall be interlined with non-woven fabric. There shall be concealed knit wristlets at the bottom of the sleeves. The bottom of the sleeve shall be vinyl bound -inch to shell.
6. Pockets - There shall be two box pleated patch pockets finished approximately 6-1/2 x 7 inches, with three pointed scalloped flaps and snap fasteners at each corner. The flaps shall have a firm interlining. Pockets shall have a firm inter-lining covered with poly-cotton so as to create a hand warmer pocket with an opening of approximately 5-3/4 inches on each side.
7. The patch pockets shall be double stitched to the garment, and the left breast pocket is to have a pencil compartment with an opening through the top of the flap.
8. References Horace Shall 3607 "Tuffy", Blauer model GTX9300Z, or equivalent.

(c) Lightweight (Windbreaker)

1. Fabric Color BLACK, 100% Nylon Oxford Weave, water repellent.
2. Basic Design Jacket shall be a windbreaker style with a zipper front closure to the neck and plain back with or without shoulder straps.
3. References Horace Small 2510 "Chill Chaser", or equivalent.

(d) JUMPSUIT

1. Cold Weather
2. Fabric Color BLACK, exterior shell of a Gore-Tex (waterproof) weave, with flannel liner.
3. Style One piece, full length 2-way front heavy-duty coil zipper. Two inside fulllength leg zippers, Velcro tab closures on each leg bottom. Standard long sleeves. Velcro closure cuffs, action back with elastic waistband. Five pockets, badge holder, mic-holder on either shoulder and vertical belt loops.
4. Pockets There are five pockets (2-breast, 2-hip, 2-rear and 1-side) with 7" zippers on each. The radio pocket is on the left pant leg, with tab to hold radio. Two 7" vents for easy access to inside of jumpsuit.
5. General Seams to be stitched with heavy duty thread. Inside will be surged for extra strength and to help with non-raveling. Knit action-back to increase flexibility.
6. Reference "ULTREX" Ackerman's Uniforms or equivalent.
7. Standard Fabric Color BLACK, Cotton blend.
8. Style One piece, full length 2-way front heavy-duty coil zipper. With lower leg zipper 12" in length with covering flap, Velcro tab closures on each leg bottom

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or no zippers. Standard long sleeves or short sleeves. Velcro closure cuffs, action back with elastic waistband. Four pockets, badge holder and side vents for access to inside of jumpsuit.

(e) INSIGNIAS - Deputies will have "SHERIFF" decal patch across the back of the jump suit in 6 inch gold color letters. Corrections will NOT have any decal across the back. All other patches and embroidering shall be affixed to the jump suit as appropriate.

(f) GLOVES

1. Smooth finished BLACK in color; leather or fabric combination; lined or unlined.

1047.3 RAINWEAR

(a) COAT

1. Fabric Color YELLOW, vulcanized fabric blend "air-weave."
2. Style length coat with full sleeves and plastic cuff snaps. Black plastic button down snaps, two side pockets, badge holder and standard collar.
3. Reference IPCO brand.

(b) PANTS

1. Fabric Color YELLOW, vulcanized fabric blend "air-weave".
2. Style Hip hugger style, with drawing-string waistband, Velcro fly front, rear patch pockets.
3. Reference IPCO brand.

(c) SHOES (overshoes)

1. Material Color BLACK, 100% rubber.
2. Style Slip on, low cut, plain toe, non-skid tread.
3. Reference Tingley Brand.

(d) HAT PROTECTOR

1. Material Transparent-CLEAR, 100% vinyl.
2. Style Campaign F40 style. Elastic bands around the crown and below the brim of the headgear to permit the cover to fit snugly over the authorized headgear.

1047.4 UNDERGARMENTS

Undershirts may be worn by either gender in uniform. If worn, the shirt must be T-shirt style, "crew" neck, and solid BLACK in color, smooth finish.

Sheriff's Lieutenants and above have the option of wearing a solid WHITE or BLACK smooth finish t-shirt, at their discretion.

No design or other colors are permitted. No fishnet or other ventilated styles will be visible.

Socks, for both men and women, must be solid BLACK in color when worn with long uniform pants and low cut shoes or when visible. Design patterns are not permitted. Solid WHITE socks may be worn with "Short" pants.

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1047.5 MATERNITY UNIFORM

Uniformed female personnel may wear the special maternity uniform in lieu of the standard trouser and shirt uniform, after the employee receives her physician's written confirmation of pregnancy and subsequent acknowledgement by the Division Commander. Uniform may be worn for 90 days following childbirth. All other uniform requirements shall be adhered to.

The following design specifications shall be adhered to in the construction of the approved maternity uniform.

(a) Design Pull-over top and pull-on maternity pants shall be made utilizing McCall's Pattern Number 7838, or equivalent.

(b) Pull-over maternity top. Uniform shall be fitted to individual comfort and must be long enough to cover buttocks, but not to exceed the fingertips in length when standing erect.

(c) Flared pullover top, sleeveless, with or without pockets. If pockets are used, they will be hidden type in the side seams. Neckline will be scoop.

(d) Material Color Silver TAN tropical, 55% Dacron/45% Rayon, or wool blend, two-ply x two-ply.

(e) Pull-on maternity pants. Pull-on pants will have maternity panel as shown in referenced McCall's pattern.

(f) Material Color Silver Tan, 100% two-ply wool or 60% wool & 40% Dacron blend.

1047.6 SEWN ON CLOTH ACCESSORIES

(a) Department Shoulder Patches

1. The Department will issue the Official Departmental Shoulder Patch, to all uniform personnel.

(b) Affixed - The shoulder patch will be affixed to all uniform clothing worn by staff, having exposed sleeves:

1. Coats
2. Jackets
3. Windbreakers
4. Sweaters
5. Shirts

(c) Location - The authorized shoulder patch shall be machine stitched to the sleeves of all uniform shirts and jackets, 1/2-inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(d) Serviceability - Patches must be kept in good condition. When no longer in good condition, they must be replaced.

1047.6.1 DEPARTMENTAL BADGE

The Department will issue the Official Departmental Badge (Star), to all uniform personnel as authorized.

(a) Affixed The cloth badge will only be affixed to the applicable uniform worn:

1. Foul weather Jacket
2. Windbreaker

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3. Class "C" Shirt
4. Sweater
5. Jumpsuits
6. Load Bearing Vest

(b) Location Cloth badge shall be centered over the left breast pocket, whereby the bottom star point is approximately inch above the top pocket seam, sewn with gold thread.

(c) Serviceability Cloth badges must be kept in good condition. Where no longer in good condition, they must be replaced.

(d) Embroidered Badge - Authorized Polo shall have an embroidered badge located on the left breast area of the shirt. The embroidered badge is to be a replica of the authorized cloth badge.

1047.6.2 SERVICE STRIPES

Each Service Stripe will represent four (4) years of Law Enforcement service.

Material Service Stripes shall be of GREEN thread, measuring 1 inches in length by inch, with gold outer embroider thread on a black heat-seal fabric background.

Service Stripe may be affixed to all uniform long sleeve shirts.

Location Service stripes shall be sewn on the left sleeve only, with black thread sewn along the border of the stripe. Service stripes shall be placed on the inner sleeve crease of approximately a 30 degree angle and starting 4 inches from the end of the sleeve cuff.

Serviceability Stripes must be kept in good condition. When no longer in good condition, they must be replaced.

1047.6.3 SLEEVE CHEVRONS (SERGEANT)

Sleeve chevrons shall be worn on the uniform sleeves of all Sergeant classification personnel.

Material Sleeve chevrons shall be of GREEN thread, consisting of three green stripes bordered in gold with a black background of cotton twill, mercerized and Sanforized.

Attachment Chevrons shall be attached on the left and right sleeves of all uniform coats, jackets (Class "A" optional), jumpsuit, and Long sleeve shirts.

The singular peek of the chevron to be inch below the Department shoulder patch and in such a manner that a line bisecting the center of the chevron shall be perpendicular to the ground when the garment is worn. To be sewn on the garment with colorfast black thread, not cross-stitched.

Serviceability Chevrons must be kept in good condition. When no longer in good condition, they must be replaced.

Local uniform vendor's stock chevron patches. Employees shall be responsible for the purchase of their chevron patches.

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1047.6.4 EMBROIDERED NAME TAG

Employees' First initial (optional), Last name will be displayed on outer uniform garment (e.g., shirts, jackets, sweaters). Embroidering shall be in "block" 1/2 inch in height letters, centered over the right breast pocket of the authorized uniform.

(a) Embroidering thread will be in the following colors or as authorized by the Sheriff:

1. Shirts Black
2. Jackets and sweaters Gold
3. Jumpsuits Gold
4. Load Bearing - Vest Gold
5. Authorized Polo Shirt €š gold/black for dark or light colors

1047.6.5 AUTHORIZED SECTION PINS

Deputies affiliated with "special units" of the department, may have their section "pin" embroidered in BLACK thread, " letter/number ,(i.e., dog handlers, may have "K-9").

1047.7 METAL INSIGNIA

Only authorized insignias shall be worn or displayed on a uniform.

Rank insignias shall be constructed of polished YELLOW metal with clasps extending to the rear for fastening.

(a) Sergeant Chevron (three bar) insignia to be 5/8-inch high by inch wide. Chevron peak to be affixed in the upward position.

1. Attachment to be worn on all collar uniform shirts. Shall be affixed to the collar -inch and parallel from the inner edge of the collar. The bottom edge of the insignia shall be 1-inch from the collar point.

(b) Lieutenant - A single bar measuring inch by inch in length will represent the Lieutenant rank.

1. Attachment to be worn on all collar uniform shirts and jackets. Insignia shall run parallel inch from the inner collar and inch from the bottom point of the collar shirt. On coats and jackets, the insignia shall be attached 1 inch parallel to the shoulder seam on the epaulets.

(c) Captain - Two bars attached parallel, measuring inch by inch (outside dimension).

1. Attachment to be worn on all collar uniform shirts and jackets. Insignia shall run parallel inch from the inner collar and inch from the bottom point of the collar shirt. On coats and jackets, the insignia shall be attached 1 inch parallel to the shoulder seam on the epaulets.

(d) Undersheriff - Three five point stars attached, with each being -inch diameter.

1. Attachment to be worn on all collar uniform shirts and jackets. Insignia shall be affixed inch from the inner collar and inch from the bottom point of the collar shirt. The insignia shall run parallel to the top of the collar. On coats and jackets, the insignia shall be attached 1 inch parallel to the shoulder seam on the epaulets.

(e) Sheriff - Four five point stars attached, with each being inch diameter.

1. Attachment to be worn on all collar uniform shirts and jackets. Insignia shall be affixed inch from the inner collar and inch from the bottom point of the collar shirt.

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The insignia shall run parallel to the top of the collar. On coats and jackets, the insignia shall be attached 1 inch parallel to the shoulder seam on the epaulets.

1047.7.1 BADGE

All sworn personnel in uniform will exhibit their Department badge, cloth or metal as authorized, on the outer uniform garment centered over the left breast uniform pocket (in badge holder).

1047.7.2 AUTHORIZED PINS

Officers or Sections may submit a request through their chain of command to the Sheriff, for the authorization to wear certain pins. The following is an example of current authorized pins:

(a) Field Training Officer "F.T.O." and Jail Training Officer "J.T.O" pins shall be YELLOW metal, with letters -inch tall and a combined width of inch wide. Shall be worn by authorized training officers only. To be worn directly above and centered over the officer's name on all uniform shirts.

(b) Valor/Lifesaving Medals - To be worn directly above and centered over the officer's name on all uniform shirts.

(c) Flag Pins - United States Flag pins may be worn, centered above the name plate or embroidered name.

(d) Service Pins as issued by the department (i.e., 10, 15, 20, 25 years service). To be worn on the right breast pocket flap of the uniform shirt, one inch from the inner seam and one inch from the bottom of the flap.

(e) Special Weapons and Tactics "S.W.A.T."

(f) Correctional Emergency Response Team "C.E.R.T." pin, shall be YELLOW metal, with letters inch tall and a combined width of inch wide. Shall be worn by authorized members only. To be worn directly above and centered over the officer's name on all uniform shirts.

(g) Dive Team A "hard-hat" emblem, YELLOW metal, with a diameter size not to exceed 1 inch. To be worn directly above and centered over the officer's name on all uniform shirts.

(h) Bomb Squad an "HDS" pin, yellow metal, with a diameter not to exceed 1". To be worn centered over the officer's name.

(i) FBI National Academy Ribbon - Office members who are graduates of the FBI National Academy may wear the FBINA ribbon on their uniform shirt. The ribbon is to be worn directly above and centered over the officer's name on all uniform shirts.

(j) Stolen Vehicle Recovery Program (10851) Pin - Members who have been awarded the California Highway Patrol's 10851 Stolen Vehicle Recovery Program pin are authorized to wear it on the right breast pocket flap one (1) inch from the right edge of the flap halfway between the bottom and top of the flap. Members who have qualified for more than one pin award may only wear the most recent pin as presented by the CHP.

(k) Mother's Against Drunk Driving (23152) Pin - Members who have been awarded the Mother's Against Drunk Driving (23512) pin are authorized to wear it on their uniform on the right breast pocket flap (1) inch from the right edge of the flap halfway between the bottom and top of the flap. Members who have qualified for more than one pin award may only wear the most recent pin presented by MADD.

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1047.8 UNIFORM ACCESSORIES

Sam Browne duty belt, issued by the department. Style - Bianchi Accu-mold "Elite" BLACK in color.

The below-specified department-issued accessories shall be affixed onto the Sam Browne duty belt as the regulation uniform:

(a) Service weapon. As issued and authorized by the department.

(b) Holster

(c) Handcuffs and Handcuff case

(d) Ammunition pouch

(e) Baton and Baton holder

(f) Radio and radio holder

(g) Flashlight and flashlight holder

(h) OC and holder

(i) Belt keepers

(j) Glove pouch

(k) Key clip

Load Bearing Vest (LBV) may be purchased by employee as an alternative to the traditional Sam Browne style belt. The only authorized LBV will be manufactured by Richard Cowell Tactical Company of Bonners Ferry, Idaho, USA. (208) 267-8090 sales@richardcowell.com

LBV's may be purchased and worn by deputies and correctional officers as an alternative to the traditional Sam Browne Duty belt for patrol and investigative personnel.

LBV Style: The LBV will be constructed as a hard sewn vest. Molle type LBV's are not authorized. Authorized accessory pouches and pockets shall closely mirror that of the traditional Sam Browne belt in style and function.

LBV Foundation: The vest body or foundation will be black and constructed from tightly woven non-distorting nylon mesh fabric.

Pocket Construction: The LBV's pockets will be black and constructed from 1000 denier Cordura nylon material.

Closures, hardware, and Fasteners: The LBV will be fastened by either nylon side release buckles or heavy duty YKK zippers. Pocket closures will be accomplished with Velcro type material or concealable snaps.

Identification Placards: The front left portion of the LBV will display the departmentally approved cloth Sheriff star. The front right portion of the LBV shall display a black material name tape with "SHERIFF" in two inch block capital letters. Additionally, the right portion of the LBV below the "SHERIFF" placard will display a black name tape with the employee's last name and optional first initial in one inch (1") yellow block capital letters per 1047.6.4. The back of the LBV shall display centered across the shoulders, a black name plate with "SHERIFF" in three inch (3") yellow block capital letters. If a foul weather hood obstruct this name plate while not in use, the plate will need to be altered slightly lower to be readily visible from the rear.

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Holster: The deputy shall carry his/her assigned handgun on their strong side in an approved tactical drop holster. The holster will be black in color and constructed of molded or rigid material similar to the "Thermal-moulded SAFARILAMINATE". The holster will secure to the duty belt and the straps around the deputies thigh. Approved holster½¾ Safariland Model 6005 LSL Tactical Holster w/quick Release Leg harness. Other approved holsters include the Blackhawk Serpa tactical thigh holster in the same configuration. Holster material will be smooth molded plastic or nylon.

Taser/EMD: The placement of the deputies departmentally issued Taser/EMD device shall be consistent with the El Dorado County Sheriff's Office Policy Manual Section 309.2(a) and carried on the opposite side from the duty firearm.

LBV(s) authorized prior to May 2011 shall be considered authorized, however, new or replacement LBV(s) will conform to the above specifications.

1047.8.1 SOFT BODY ARMOR

As specified and issued by the Department. Vest, when worn, will be under the uniform shirt or as authorized by the Division Commander.

1047.9 CIVILIAN UNIFORM

1047.9.1 PANTS

(a) Material - Color black, blend of polyester/rayon/cotton material combination as desired by employee. Material is to be of good grade and such quality to repel wrinkles and maintain a crease. Jeans, bell-bottoms, Capri, hip huggers or low risers are not permissible.

1. Style to be a slack type, with or without pleats and straight legged. Pant shall fit at the natural waistline.
2. Reference: Dockers Khaki, Lee Khaki, Styles, men's Haggar or Hunt dress career pant, women's career ultimate fit pants (found at Penny's) or equivalent.

1047.9.2 SHIRT

Tan, long or short sleeve, wash and wear type same as current policy.

(a) Shirts can be worn tucked in or out. Shirts not tucked in must be cropped; extra material cut off and hemmed with a hem. Shirt must hang in a range between 3 and 5 inches below the top of the belt line. If shirt tucked in a belt shall be worn mid drift shirts are not permissible.

1. Reference: El Beco, Flying Cross or equivalent.
2. Embroidering Department policy, Black embroidered Same as current policy.
3. Patches Department issued, green cloth Same as current policy.
4. Badge Department issued, yellow cloth Same as current policy.

1047.9.3 SHOES

(a) Material - Leather or similar appearance to accept polish, black in color.

(b) Style Closed toed, oxford or pump.

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1047.9.4 BELT

Material Color black, leather or similar material with brass buckle. Belt shall be worn if shirt tucked in.

1047.9.5 SOCKS

Black in color.

1047.9.6 UNDERGARMENTS

T-shirts, turtleneck same as current policy.

1047.9.7 MATERNITY

Professional attire reflecting a positive image on the department.

1047.9.8 SWEATER

(a) Pull Over

1. Material 100% wool V-neck; Color Black in color, with epaulets. A department patch will be worn on each sleeve and shall be centered on the sleeve inch below the shoulder seam. The department metal or cloth badge shall be worn on the left side. Employees' name embroidered on the right side.
2. Reference: Woolly Pully, Commando 200, Commando, Horace Small # 724AP or equivalent.

(b) Cardigan

1. Material 100% Acrylic; V-neck long sleeve button up cardigan with two pockets; Jersey Knit sweater with transfer ribbed cuff and hemmed bottom; Color black. A department patch will be centered on the right and left sleeve inch below the shoulder seam. Employees name embroidered on the right side in gold, inch block, and centered 3/8" over the right breast pocket of the authorized sweater.
2. Reference: 6325 Jersey knit sweater; San Francisco Knitting Mills or equivalent.

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Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

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2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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Department Badges

1052.1 PURPOSE AND SCOPE

The El Dorado County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the El Dorado County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the El Dorado County Sheriff's Office with the written approval of the Sheriff.

(b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired deputy may keep his/her flat badge upon retirement. This flat badge badge is for use only as private memorabilia.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

(e) An honorably retired peace officer may purchase, with the approval of the sheriff, a department authorized flat badge that clearly states "Honorably Retired". This badge may be purchased through the Support Services Division.

1052.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Sheriff's Technician, Community Service Officer, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the El Dorado County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

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Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1054.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1054.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to the Support Services Lieutenant assigned to Personnel or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Support Services Lieutenant will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment.

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1054.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1054.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability throughout the duration of the modified-duty assignment.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor and the Support Services Lieutenant of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep their Division Commander and the Support Services Lieutenant apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Support Services Lieutenant with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or his/her designee.

(d) When it is determined that an employee on modified duty will return to regular duty, the Support Services Lieutenant shall notify the employee's Division Commander and County Risk Managment by email. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

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1054.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander and refer the employee to the Support Services Lieutenant for consideration of a temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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