

Santa Barbara County Sheriff's Office

Santa Barbara SO Policy Manual

PREFACE

Organizations are only as good as the personnel who staff them. The employees and volunteers of the Santa Barbara County Sheriff's Department are our most valuable resources. To be effective and accomplish our mission, we must provide them with guidance, direction, and leadership in the form of policies and procedures.

This Policy Manual is a living document that is subject to constant change. The manual was prepared with technical and professional guidance. New laws, court decisions, County of Santa Barbara ordinances, new methodologies, and other factors dictate the need for a continual review of these policies, initiating revisions where necessary and appropriate.

No set of policies and procedures, no matter how complete, can hope to address all the situations that may be encountered. There will be situations that occur that must be left to the good judgment and discretion of the persons involved. This judgment and discretion must be employed with sound reason.

It is the responsibility and duty of every employee to become thoroughly familiar with the contents of this manual. The information contained in the manual should be followed as closely as circumstances permit.

Upon distribution or revision of this manual, all other existing orders, policies, and regulations that are in conflict are revoked.

Bill Brown, Sheriff-Coroner

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MISSION STATEMENT

We, the members of your Sheriff's Department, are responsible for enforcing the laws, upholding the Constitutions, and providing custody and court services. We are committed to enhancing the quality of life through effective partnerships, protecting persons and property, while serving as role models to our community.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1, 831.5, 830.1(c) et seq.).

100.2.1 DELIVERY TO NEAREST MAGISTRATE

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

100.2.2 CORRECTION OFFICER AUTHORITY

Correction Officers, Correction Sergeants, Correction Lieutenants, and Correction Commanders are public officers, not peace officers, pursuant to Penal Code § 831.5. They have the authority and responsibility for maintaining custody of prisoners and performing tasks related to the local detention facility.

- (a) A Correction Officer has no right to carry or possess firearms in the performance of his/her prescribed duties, except, under the direction of the Sheriff, while engaged in transporting prisoners, guarding hospitalized prisoners, or suppressing jail riots, lynchings, escapes, or rescue in or about a detention facility falling under the care and custody of the Sheriff.
- (b) A Correction Officer may use reasonable force in establishing and maintaining custody of persons delivered to him/her by a law enforcement officer; may make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly-issued warrant; may make warrantless arrests pursuant to Penal Code § 836.5 only during the duration of his/her job; may release misdemeanants on citation to appear in lieu of or after booking.

This section shall not be construed to confer any authority upon Correction personnel except while on duty.

100.2.3 CUSTODY DEPUTY

Custody Deputies, Custody Sergeants, Custody Lieutenants, and Custody Commanders are peace officers pursuant to Penal Code § 830.1(c), whose authority extends to any place in the State of California as follows:

- a. Only while engaged in the performance of the duties of his/her respective employment and for the purpose of carrying out the primary function of employment relating to his/her custodial

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assignments, or when performing other law enforcement duties directed by his/her employing agency during a local state of emergency.

b. Custody Deputies have the authority and responsibility to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operation of County custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates.

c. Custody Deputies may carry firearms in the performance of their duties, depending upon their assignment.

100.2.4 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SANTA BARBARA COUNTY SHERIFF'S OFFICE

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

- (a) When the deputy has probable cause to believe the person committed a felony.
- (b) When the deputy has probable cause to believe the person has committed a misdemeanor in the presence of the deputy and the deputy reasonably believes there is immediate danger to person or property or of escape.
- (c) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the deputy such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

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

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

100.2.5 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SANTA BARBARA COUNTY SHERIFF'S OFFICE

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

- (a) When the deputy has probable cause to believe the person has committed a felony, whether or not committed in the presence of the deputy.
- (b) When the deputy has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the deputy.

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- (c) When the deputy has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the deputy and the deputy reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the deputy such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.2.6 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the deputy.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.2.7 OREGON AUTHORITY

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

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

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

Whenever practicable, deputies should seek permission from a office supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the

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incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a deputy enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Sheriff

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

102.1.2 SHERIFF CANDIDATE REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 OATH OF OFFICE

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

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

104.4 MAINTENANCE OF RECORDS

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

Policy Manual

106.1 PURPOSE AND SCOPE

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

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

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 Santa Barbara County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or 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 Santa Barbara County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

106.2 POLICY

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

106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Santa Barbara County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Santa Barbara County Sheriff's Office reserves the right to revise any policy content, in whole or in part. The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue department directives which shall modify those provisions of the manual to which they pertain. Departmental directives shall remain in effect until such time as they may be permanently incorporated into this manual.

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106.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff
- Chief Deputies
- Division Commanders

Command Staff shall review all recommendations regarding proposed changes to the Policy Manual.

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion to the Policy Manual Review Committee utilizing the Lexipol Policy Change Proposal form. The committee will consider the recommendations and forward them to the command staff as appropriate.

106.3 AUTHORITY

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviation is an acceptable substitution in the Policy Manual:

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

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - Santa Barbara County.

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

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Department/SBSO - The Santa Barbara County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Santa Barbara County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Non-sworn employees
- Volunteers.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 REVISIONS TO POLICIES

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

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

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

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

Law Enforcement Code of Ethics

107.1 PURPOSE AND SCOPE

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

107.2 POLICY

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

107.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

107.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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 BRANCHES

The Sheriff - Coroner is responsible for administering and managing the Santa Barbara County Sheriff's Office. There are three (3) branches in the Department as follows:

- Support Services
- Law Enforcement Operations
- Custody Operations

200.2.1 SUPPORT SERVICES

The Support Services Branch is commanded by a Chief Deputy whose primary responsibility is to provide general management direction and control for the Support Services Branch. The Support Services Branch consists of Financial Services Division, Information Services Division, and Administrative Services Division.

200.2.2 LAW ENFORCEMENT OPERATIONS

The Law Enforcement Operations Branch is commanded by a Chief Deputy whose primary responsibility is to provide general management direction and control for the Law Enforcement Operations Branch. The Law Enforcement Operations Branch consists of South County Operations Division, North County Operations Division, and Criminal Investigations Division.

200.2.3 CUSTODY OPERATIONS

The Custody Operations Branch is commanded by a Chief Deputy whose primary responsibility is to provide general management direction and control for the Custody Operations Branch. The Custody Operations Branch consists of Jail Operations Division, Branch Jail Services Division, and New County Jail Project.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

The County of Santa Barbara County has prepared a Multi-Hazard Functional Plan/Emergency Management Plan for use by all County 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 the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN

The Multi-Hazard Functional Plan may be activated in a number of ways. For the Department, the Sheriff or the highest-ranking official on duty may activate the Emergency 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 Santa Barbara 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 THE PLAN

The manual for the employees is available in both North and South County Operations Divisions. All supervisors should familiarize themselves with the Multi-Hazard Functional Plan and what roles Department personnel will play when the plan is implemented.

206.4 UPDATING OF MANUALS

The Sheriff or designee shall review the Sems Multi-Hazard Functional Plan 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.

206.5 EMERGENCY PLANNING PERIODS

An Emergency Planning Period is the time frame of a major event that requires additional staff and the implementation of the Incident Command System (ICS). Emergency Planning Periods may be recurring events or may be immediate events declared in response to unusual circumstances.

The Sheriff or his/her designee may declare an Emergency Planning Period at any time. A Manager, Lieutenant, or Commander may declare Unit/Bureau- or Division-wide Emergency Planning Periods for events that have a limited or localized impact necessitating similar planning.

To provide maximum staff availability, no vacations may be scheduled after declaration of an Emergency Planning Period except with the approval of the Division Commander or equivalent assignment for that employee. Previously-scheduled vacations may be cancelled if additional staff

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Emergency Management Plan

is required to meet the needs of the Emergency. This applies to sworn and non-sworn staff in any assignment within the Department.

206.6 HALLOWEEN OPERATIONS

The annual Halloween operation in Isla Vista is a perpetual Emergency Planning Period within the Department and does not require an annual declaration by the Sheriff. The time period shall include the weekends (Friday through Sunday) both prior to and following Halloween Day (October 31st).

206.7 FLOATOPIA/DELTOPIA OPERATIONS

The annual Floatopia/Deltopia operation in Isla Vista is a perpetual Emergency Planning Period within the Department and does not require an annual declaration by the Sheriff. The time period shall include the first and second weekends (Friday through Sunday) in April.

Training

208.1 PURPOSE AND SCOPE

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

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) and the Standards and Training for Corrections (STC).

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

208.4 TRAINING PLAN

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

- Legislative Changes and Case Law
- State Mandated Training
- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

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

208.6 TRAINING ATTENDANCE

If any Deputy, fulltime or Reserve status, is unable to attend Department quarterly training for any reason, including injury, illness, duty status, or scheduling conflict, that Deputy shall submit a memorandum to his/her immediate supervisor prior to the end of that quarter explaining why

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he/she was unable to attend. This memo will be sent to the employee's Division Commander via chain of command for review.

1. The Training Bureau will notify the employee's Division Commander that he/she did not attend quarterly training;
2. The employee's Division Commander will determine if there was an acceptable reason for the employee not to attend, such as medical restrictions, family emergencies, military duty, extended assignment out of the area, or other reason(s) deemed acceptable by the employee's Division Commander;
3. If there was not an acceptable reason for the non-attendance, the employee's Division Commander will initiate disciplinary procedures against the employee, pursuant to Department policy.

Employees who repeatedly fail to attend quarterly training are subject to discipline up to, and including, termination.

208.7 POLICY

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

208.8 TRAINING LIEUTENANT

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

208.8.1 TRAINING RESTRICTION

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

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system 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). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department. The exception to this would be short and infrequent messages to arrange or confirm appointments, inform family of overtime work, etc.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including attachments, transmitted over the Department computer network are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit, and disclose for whatever reason, all messages, including attachments, transmitted over its e-mail system or placed into its storage.

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. The employees' accounts could be subject to a discovery motion if they were used to conduct official business.

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. Personal advertisements are not acceptable. The "Bulletin Board" link on the Team Sheriff Home Page is provided for this purpose.

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 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed. Users of

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e-mail are solely responsible for the management of their mailboxes. All unnecessary messages should be purged manually by the user at least once per week.

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff or his/her designee 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 DEPARTMENT SURVEYS

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

Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels vary depending upon the shift and station. Station lieutenants and Custody Operations lieutenants will establish minimum staffing levels appropriate to their area.

216.2.1 MINIMUM STAFFING LEVELS FOR PATROL SUPERVISORS

In order to accommodate training and other unforeseen circumstances, employees classified as "Senior Deputy" may be used as field supervisors.

Minimum staffing levels should, whenever possible, result in the scheduling of at least one (1) sergeant on duty at all times in both North and South County Operations Divisions.

216.2.2 MINIMUM STAFFING LEVELS FOR CUSTODY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, employees classified as "Senior Correction Officer" may be used as Custody Operations supervisors.

Minimum staffing levels should, whenever possible, result in the scheduling of at least one (1) sergeant on duty at all times in the Custody Operations.

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

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

218.1.1 APPLICATION OF POLICY

The Santa Barbara Sheriff's Office will fairly and impartially consider all concealed weapons licensing applications in accordance with applicable law and this policy.

Nothing in this policy shall be construed to require the Sheriff to issue a Concealed Weapons license at any time.

Nothing in this policy precludes the Sheriff from entering into an agreement with any Chief of Police in the county to process all applications and licenses for the carrying of concealed weapons (Penal Code § 26155(c)).

218.2 QUALIFIED APPLICANTS

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

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the County of Santa Barbara County (Penal Code § 26150; Penal Code § 26155).
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Santa Barbara County Sheriff's Office (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

218.2.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual wishing to apply for a license to carry a concealed weapon shall first fully complete the standardized California Department of Justice Application for License to Carry a

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

1. We REQUIRE that applicants complete and sign all portions of the application, including Section 7, titled "Investigator notes" (pages 11-13)

a It is required the applicant submit at least three (3) character references, at least one of whom must be a person described in subdivision (b) of Section 273.5, if applicable, and at least one of whom must be the applicant's cohabitant, if applicable. It is recommended the applicant submit at least three (3) letters of character reference from individuals in the community who are not members of the applicant's immediate family. The applicant must provide the names and contact information of these references.

2. In the event of any discrepancies in the application or background investigation, the applicant may be asked to undergo a polygraph examination.

(b) At the time the completed application is submitted, the applicant shall pay the California Department of Justice (DOJ) CCW application/Livescan fingerprinting fee and 20% of the current Santa Barbara County County CCW license processing fee.

1. The DOJ fee is set by the California Department of Justice and is subject to change.

2. The current Santa Barbara County County CCW license processing covers the costs incurred by Santa Barbara County County while processing the CCW application. The first 20% is due when the application is submitted and is non-refundable. The remaining 80% is due prior to the issuance of a CCW and is only accepted if the CCW is approved (Penal Code § 26190(b)(1)).

3. The above fees do not include the additional fees the applicant may need to pay to outside vendors performing the required training and psychological testing related to the Phase Two protocol of this application process.

4. 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) and 26170(b) or is a Department employee as defined in Penal Code § 830.1(c).

(c) At the time the application is submitted, the applicant shall submit to a Livescan fingerprinting process at the Santa Barbara County County Sheriff's Department Headquarters Station. The application will not be considered received until the Livescan fingerprinting process is completed.

1. No person prohibited from possessing, receiving, owning or purchasing a firearm may be issued a license to carry a concealed weapon.

(d) Once the Sheriff or his/her designee has reviewed the completed application package and relevant background information, the application will either advance to Phase Two or be denied. The Sheriff or his/her designee may deny an application for any of the following reasons:

. 1. It is determined the applicant omitted or was untruthful in submitting required information when completing the application form.

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. 2. The applicant failed to show or otherwise establish their residency within Santa Barbara County.

. 3. It is determined the applicant is prohibited from possessing firearms pursuant to state or federal law.

(e) In the event that an application is denied at the conclusion of or during Phase One, the applicant shall be notified in writing within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code § 26205). This denial notification shall include the reason for the denial of the application, pursuant to 218.3.1(e) of this policy (Penal Code § 26202).

218.2.2 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 shall be scheduled for a personal interview with the Sheriff or his/her authorized designee. During this stage, there will be further discussion of the potential restrictions or conditions that might be placed on the license.
- (b) The Sheriff may, based upon criteria established by the Sheriff, 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. (NOTE: The cost of such psychological testing shall be paid by the applicant.) The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a concealed firearm. This testing is not intended to certify in any other respect, that the applicant is psychologically fit to carry a weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed firearm, the applicant shall be removed from further consideration and the application will be denied.
- (c) The applicant shall complete a POST-certified firearms safety and training course (Penal Code § 832) at a community college and/or a course that is approved by the Sheriff and which complies with Penal Code §26165. NOTE: The cost of attending the authorized training shall be the responsibility of the applicant. Applicants shall not be required to attend any such training until the Sheriff has approved of their entry into the Phase Two process.
- (d) 1. The prospective CCW licensee must be able to provide satisfactory proof of legal ownership or possession of any firearms the prospective licensee intends to carry under the auspices of a concealed firearms license issued through the Sheriff's Office.
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by a departmentally approved outside vendor. The cost of any outside inspection/ examination shall be the responsibility of the applicant. The Sheriff's Range Master may conduct this firearms safety and proficiency examination, at the discretion of the Sheriff's Office.

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If the applicant is unable to successfully complete any portion of the Phase Two process, the application will be denied. If the application is denied during Phase Two, the applicant and the California Department of Justice shall be notified of the ultimate application denial.

Once the Sheriff or his/her authorized designee has verified the successful completion of Phase Two, the license to carry a concealed weapon will be granted.

218.3 APPLICATION PROCESS

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

218.4 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in 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 or custodial officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this office in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

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218.5 OFFICE REPORTING AND RECORDS

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

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license
- (e) The revocation of a license

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

218.6 CONFIDENTIAL RECORDS

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

218.7 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Santa Barbara County (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

218.8 POLICY AVAILABILITY

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

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 weapon (CCW) endorsement for retired deputies of this agency.

220.2 QUALIFIED RETIREES - STATE CONCEALED WEAPON ENDORSEMENT

Any full-time sworn deputy of this agency 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).

220.2.1 QUALIFIED RETIREES FROM OTHER AGENCIES

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

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This agency is in possession of the retiree's complete personnel records or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this agency for the issuance of a CCW Approved endorsement.

220.2.2 QUALIFIED RETIRED RESERVES

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

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 at least once every five years with the authorized firearm at a course approved by this agency at the retired deputy's expense.
- (b) Remain subject to all agency 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 agency or a licensed gunsmith/armorer.

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220.4 CARRYING FIREARMS OUT OF STATE - LEOSA

Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired deputies of this agency 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 agency.
- (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".
- (f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

220.5.1 WATCH COMMANDER RESPONSIBILITY

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Watch Commander as soon as practical. The Watch Commander 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 or not the temporary revocation should become permanent.
 - 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 § 25900 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 Watch Commander 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 Watch Commander may request that a peace officer of that agency act as the agency'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.
- (f) The Watch Commander 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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220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The Sheriff or his/ her designee has and retains the discretion as to whether he/ she will issue qualified separated deputies an agency identification that will allow the separated deputy to carry a concealed firearm while in states other than California, pursuant to the auspices and restrictions of the Law Enforcement Officer Safety Act of 2004 (Title 18, United State Code, § 926C) and the Firearms and Qualification Policy. The issuance of any such agency identification card will also be subject to relevant Sheriff's Office policies. To that end, qualified separated deputies of the agency may carry a concealed weapon in states other than California under the following conditions:

- (a) Unless the Sheriff, as part of his/ her discretion makes a specific exception, the separated deputy must meet the requirements of section 220.2 of this policy. Furthermore, the separated deputy must also meet the minimum standards outlined within the Law Enforcement Officer Safety Act;
 - 1. The separated deputy separated from the Sheriff's Office while in good standing as a law enforcement officer, other than for reasons of mental instability.
 - 2. Before such separation, the separated deputy was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of, any person for any violation of law and had statutory powers of arrest.
 - 3. Before separation, the separated deputy was regularly employed as a law enforcement officer for an aggregate of 10 years or more or, after completing a probationary period as a law enforcement officer, retired from service due to a service connected disability, as determined by the Santa Barbara County Retirement Board.
 - 4. The separated deputy has, within 12 months of the issuance of this card, met the established standards of the Department to carry a firearm for active duty deputies.
 - 5. The separated deputy shall not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - 6. The separated deputy is not prohibited by federal law from receiving a firearm.
 - 7. The separated deputy requests and is issued a Law Enforcement Officer Safety Act of 2004 "HR218" identification card by the Sheriff's Office.

b. If a retiree CCW endorsement is denied, they may submit a written request for an appeal. The hearing will be heard pursuant to the provisions of Penal Code §26320.

220.6.1 RETIREE RESPONSIBILITIES - LEOSA

- (a) Any separated deputy who wishes to carry a firearm interstate will carry, in addition to his/her regularly issued retired identification card, a secondary identification card which contains the following information:
- (b) The separated deputy named on this card complies with Chapter 44, Title 18, United States Code § 926C, and as such:

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1. Separated in good standing from the agency as a law enforcement officer other than for reasons of mental instability
 2. Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of, any person for any violation of law and had statutory powers of arrest
 3. Before separation, was regularly employed as a law enforcement officer for an aggregate of 10 years or more or, after completing a probationary period as a law enforcement officer retired from service due to a service connected disability, as determined by the Santa Barbara County Retirement Board
 4. Has, within 12 months of the issuance of this card, met the established standards of the agency to carry a firearm for active duty deputies
 5. Shall not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance
 6. Is not prohibited by federal law from receiving a firearm.
- (c) Permission to carry a concealed weapon does not supersede or limit any state law that permits private persons or entities in that other state to prohibit or restrict possession of concealed weapons on their property. States may also prohibit or restrict carrying concealed weapons on any state or local government property, installation, building, base, or park.
- (d) It is the responsibility of the separated deputy, when carrying a concealed weapon interstate, to be aware of any restriction that is in effect in the state in which he/she is in.
- (e) A separated deputy may only carry firearms of the same type with which he/she has qualified pursuant to this policy.
- (f) The "Law Enforcement Officers Safety Act of 2004" does not relieve the separated deputy from fully complying with the requirements set forth in Title 49, Code of Federal Regulation § 1544.219, when traveling aboard any air carrier.

220.6.2 OBTAINING A SECONDARY IDENTIFICATION CARD BY RETIRED DEPUTIES

- (a) A separated deputy who intends to carry a concealed firearm while traveling interstate must first obtain an agency issued secondary identification card. No additional card is required if the separated deputy does not intend to carry a firearm outside of California. The provisions of Penal Code §25900, et al and Sheriff's Policy Manual §220 will apply.
- (b) A separated deputy who wishes to have a secondary identification issued to him/her must submit a letter to the Sheriff, requesting the card.
- (c) Prior to the card being issued, the separated deputy will have to provide evidence that he/she has qualified with a firearm of the same type he/she intends to carry off duty within the last 12 months.
- (d) Qualified separated deputies may complete the necessary firearms qualification at the Department range at no additional cost. Applicants wishing to avail themselves of this qualification opportunity are responsible for making the necessary arrangements with the Sheriff's Training Bureau to accomplish this.

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- (e) A separated deputy who resides outside of the Santa Barbara County area may complete his/her annual firearms qualification at the local police department or Sheriff's Office in the area in which he/she resides. The separated deputy shall complete the usual course of firearms qualification for that agency and will request that the Rangemaster for that agency submit a letter of qualification to the Training Manager of the agency with the following information:
 - 1. The letter shall be on official letterhead or form of the agency where qualification occurred and shall contain:
 - (a) The date of the qualification
 - (b) The name, address, date of birth, and physical description of the separated deputy qualifying at that agency
 - (c) The make, model, and caliber of the firearm(s) with which the separated deputy qualified
 - (d) A description of the course of fire used to qualify the separated deputy
 - (e) The qualification score of the separated deputy
 - (f) A signed attestation of the Rangemaster indicating the separated deputy:
 - 1. Successfully completed the stated qualifications.
 - 2. Showed sufficient competency in the safe handling of the firearm, as well as laws applicable to the lawful use of a firearm in self defense.
 - (g) Any cost for such proof of qualification shall be incurred by the separated deputy.
 - (h) Upon receipt of the above proof of qualification, the Training Manager will review it and, upon approving the qualification, forward the letter to the Human Resources Bureau.
 - (i) The Human Resources Bureau will review the personnel file of the separated deputy to determine if any information contained within would render the applicant unsuitable to carry a firearm. The Human Resources Bureau forwards the results of the inquiry to the Sheriff, who will give final approval for the issuance of the identification card.
 - (j) Once the request has been approved, the separated deputy will be issued a card from the Forensics Bureau, Criminal Investigative Division.
 - (k) Secondary identification cards for separated deputies will be valid for twelve (12) months from the date of qualification and for as long as they remain in compliance with the guidelines set forth by the "Law Enforcement Safety Act of 2004."
 - (l) The secondary identification card is the property of the agency and shall be surrendered upon demand of a competent authority. Missing or damaged cards shall be reported immediately to the Human Resources Bureau.

Sheriff's Sales

221.1 PURPOSE AND SCOPE

This policy prohibits Sheriff's employees, their family members, and others from participation in the sale of levied or forfeited property auctioned by the Department.

221.2 DEFINITIONS

Civil Code of Procedure § 701.610 states, "The levying officer may not be a purchaser or have an interest in any purchase at a sale." Civil Code of Procedures § 680.260 identified the Sheriff as the "levying officer."

The Sheriff designates deputies assigned to the Civil Bureau to act as the actual levying officers. However, all employees are affected by the Sheriff's status as levying officer and subject to the same responsibilities and limitations of the Sheriff as the levying officer. Thus, Department employees and their family members cannot be bidders at a sale or have an interest in any purchase.

Family members as defined in this policy applies to individuals who are related by blood, marriage, or adoption, including the following relationships: spouse, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law.

Civil Code of Procedures § 701.610 also states that the levying officer may not have an interest in the purchase at a sale. An "interest" in the sale extends to non-family members of the levying officer, for example, a cohabitant or a close friend of the levying officer.

221.3 RESPONSIBILITIES

Since the Sheriff is responsible for the actions of his subordinates, the purpose behind the prohibition of the Sheriff and his employees from purchasing property or having an interest in any purchase at a sale of levied or forfeiture property is to remove the temptation to fraudulently exercise the Sheriff's authority.

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 the Santa Barbara Sheriff's Office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. The use of force is a serious responsibility that must be exercised judiciously and with respect for human rights and dignity, and for the sanctity of every human life (Penal Code § 835a). Deputies must use force in the same way they must carry out all of their duties: in a fair and unbiased manner.

Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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

300.2.1 REASONABLENESS OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to, or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a). Additionally, deputies should only utilize force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. When safe and feasible, deputies should consider utilizing de-escalation, crisis intervention tactics and other alternatives to force in order to slow down or mitigate situations that may otherwise lead to the use of force.

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.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Santa Barbara Sheriff's Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

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

- (a) Immediacy and severity of the threat to deputies or others
- (b) The conduct of the person being confronted, as reasonably perceived by the deputy at the time
- (c) Deputy/ subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion and number of deputies vs. subjects)
- (d) The effects of drugs or alcohol

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- (e) The person's mental state or capacity
 - 1. People with physical, mental health, developmental, or intellectual disabilities are, "Significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement." (Penal Code § 835a)
- (f) Proximity of weapons or dangerous improvised devices
- (g) The degree to which the person 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 person
- (j) Training and experience of the deputy
- (k) Potential for injury to citizens, deputies and suspects
- (l) Whether the person appears to be resisting, attempting to evade by flight or attacking the deputy
- (m) Risk and reasonably foreseeable consequences of escape
- (n) The apparent need for immediate control of the person or a prompt resolution of the situation
- (o) Whether the conduct of the person being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the person or awareness of any propensity for violence
- (q) Additional considerations within a custodial environment (Hudson v. McMillian):
 - 1. Threat perceived by a reasonable officer
 - 2. Need for use of force
 - 3. Amount of force used in relation to the need for force
 - 4. Effort(s) made to temper a forceful response
- (r) Any other exigent circumstances

300.2.2 DUTY TO INTERCEDE

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

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

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300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAIR AND UNBIASED USE OF FORCE

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

300.2.5 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

The following subsections address specific use of force considerations. Additional force considerations for specific tools are addressed within separate policies contained within this manual.

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 such peace officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835a).

300.3.2 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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- (a) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (b) Whether the person can comply with the direction or orders of the deputy
- (c) Whether the person has been given sufficient opportunity to comply

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

300.3.4 DEADLY FORCE

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

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

Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
- (b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts. 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 deputy 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 deputy 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.

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

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

300.3.5 USE OF FIREARMS - ADDITIONAL CONSIDERATIONS

Bystander considerations: To the extent that it is reasonable under the circumstances present at the time, deputies should consider their surroundings and the potential risk to bystanders prior to discharging a firearm.

Shooting at or from moving vehicles: Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. Whenever feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. 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 imminent threat of the vehicle, where the vehicle itself is being used as a weapon, or if deadly force other than the vehicle is directed at the deputy or others from within the vehicle (Government Code § 7286(b)).

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle except in the most extreme and narrow circumstances.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding deputies before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase deputy jeopardy.

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

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

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300.3.7 RESTRICTIONS ON THE USE OF A CAROTID RESTRAINT AND CHOKE HOLD

Deputies of the Santa Barbara Sheriff's Office are not authorized to use a carotid restraint (Lateral Vascular Neck Restraint) or a choke hold. Carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict a deputy's use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, deputies should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.4 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

If a person sustains a potentially life threatening injury as result of a deputy's actions, deputies are expected to render first aid to the person as soon as it is safe to do so. In all instances in which a person is injured as result of a use of force incident, deputies shall promptly provide or procure medical assistance for the injured person as soon as it is safe and reasonable to do so.

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

Based upon the deputy's initial assessment of the nature and extent of the person's injuries, medical clearance comes from fire/medics or hospital staff when potential concerns are present relating to an increased potential for cardio vascular or breathing related medical emergencies. If the person refuses medical attention, such a refusal shall be fully documented in related reports and whenever practicable, should be witnessed by another deputy and/or medical personnel. If an audio recording is made of the contact or an interview with the person, any refusal should be included in the recording, if possible.

The on-scene supervisor (or if the on-scene supervisor is not available, the primary handling deputy) shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably

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believes would be potential safety or medical risks to the person (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 deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these person should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.5 REPORTING AND DOCUMENTING THE USE OF FORCE

(a)

(b)

It is recognized that in the course of performing their duties, deputies will be faced with situations where they will need to utilize physical force/restraint in order to accomplish the law enforcement and custodial missions they are charges with. In order to insure public trust, governmental accountability and to protect the Sheriff's Office and our employees from unnecessary civil and criminal liability, it is important that Sheriff's employees promptly report and document all instances in which they have used physical force/restraint against members of the public and person who are in our custody. This policy sets forth the level of documentation and supervisory/administrative review that is required after the application of force by a deputy, whether on or off-duty at the time of the incident.

Deputies are permitted to review their available Mobile Audio Video (MAV), body-worn video or other reasonably available recordings that depict the involved deputy's field of vision at the time of the event prior to completing the required documentation.

300.5.1 LEVELS OF FORCE FOR REPORTING PURPOSES

1.Reporting Level I - Minor or routine physical restraint. Reporting requirements:

- (a) Field personnel (non-custodial setting): Deputies are required to document physical contact/ restraint that fall into this category. The documentation must sufficiently describe the force/ restraint used and the legal justification for having used the force/ restraint. Because of the minimal nature of this physical contact/ restraint, the required documentation can be accomplished via the use of either:
 - i. The Sheriff's Automated Report System (ARS)
 - ii. Submission of a Field Interview (FI) reporting form
 - iii. Notes placed into the Computer Aided Dispatch (CAD) incident detail record by the deputy who utilized the force/restraint
- (b) Custody Operations - Personnel utilizing minor or routine physical restraint of inmates within a custody facility, court facility or during transport between these locations are not required to document the routine physical restraint of an inmate. However,

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when this type of restraint is used against a person who does not fall within the above exception, the force/ restraint should be documented. The documentation must sufficiently describe the force/ restraint used and the legal justification for having used the force/ restraint. Because of the minimal nature of this physical contact/ restraint, the required documentation can be accomplished via the use of either:

- i. Completion of an Inmate Discipline Report (IDR)
- ii. Submission of a Field Interview (FI) reporting form
- iii. The Sheriff's Automated Report System (ARS)

2.Reporting Level II - Previously known as a "reportable" use of force:

- (a) This level of reporting is required after the application of physical force/ restraint, when the sole use of approved control holds does not sufficiently restrain an individual who is resisting deputies and/ or:
 - i. Deputies utilize various types of heightened physical restraint/ force to overcome the suspect's resistance. For the purpose of this policy, heightened physical restraint/ force is defined as techniques or actions that involve a reasonable potential to cause injury to the suspect and situations in which deputies use "improvised" control holds or techniques.
 - ii. If any of the involved parties are injured, lose consciousness, or express a continuing complaint of pain as a direct or indirect result of the application of force on the subject. If the deputy is unsure as to whether or not their use of force caused the injury, the deputy shall report and document the situation using the same protocol as if the deputy knew the injury was caused by their use of force.
 - (a) As used in this policy, the term "injury" includes: Any known physical damage to the person's body that normally necessitates medical attention or any known visible damage to the person's body which is reasonably expected to continue existing after the passage of a couple hours.
 - (b) As used within this policy, a "continuing complaint of pain" is present when the involved individual expresses a belief that they are experiencing pain after the deputy is no longer applying the force/ restraint that presumably caused the pain.
 - iii. The deputy strikes or attempts to strike a person with an impact weapon (whether issued or "improvised"), or utilizes other striking techniques against the body of the person.
 - iv. The deputy discharges or attempts to discharge particular weapons/ restraint devices such as chemical agents, pepperball, CED, as specified elsewhere within Sheriff's policy.
- (b) Reporting requirements:
 - i. Reporting: Any deputy who engages in a Level II use of force/ restraint (previously known as a "reportable use of force") shall notify their immediate supervisor of their use of force/ restraint, as soon as is practical and safe to do so.

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- ii. Documentation: The deputy utilizing this level of force/ restraint shall document the physical force/ restraint via the submission of a Sheriff's report, authored by the involved deputy within the Sheriff's Automated Report System. The content of the report must comprehensively document the actual force/ restraint used and the legal justification for having used the force/ restraint.
 - (a) The involved deputy's supervisor must review and approve the report. Once approved, the supervisor will notify the person next in command. The report will be reviewed by the applicable chain of command, through the Chief Deputy rank. Once the force review is complete, the Undersheriff will be notified of its completion and may review the applicable reports as deemed appropriate.
 - (b) The report must be available to the Sheriff's Training Bureau for the purposes of evaluating current and future training needs.

3. Reporting Level III - California Department of Justice (DOJ) required reporting for force incidents involving firearms and/ or force resulting in serious bodily injury:

- (a) As of January 1, 2016, our agency is required to report officer involved shootings and other force incidents that result in serious bodily injury to suspects and/ or the involved deputies. The required information shall be submitted to the California Department of Justice on an annual basis pursuant to Government Code §12525.2.
- (b) Supervisor notification requirement: Any deputy who engages in a Level III use of force, shall notify their immediate supervisor as soon as it is safe to do so.
- (c) Investigation and documentation requirements:
 - (a) Force incidents involving the discharge of firearms will be investigated and documented pursuant to the Officer Involved Shootings and Deaths policy, Firearms policy and Deadly Force Review policy. The use of a firearm shall be documented within an ARS report.
 - (a) This applies to both situations where the deputy discharges a firearm at a suspect, as well as to incidents in which a suspect discharges a firearm at a deputy.
 - (b) As described within this policy, the use of the word "firearm" does not include electronic control devices and weapons that discharge bean bags or rubber/foam projectiles.
 - (b) Force incidents that result in serious bodily injury or death to the suspect(s) or deputies will be investigated and documented in the same manner as a Level II use of force, or by Criminal Investigations Division detectives when they are specifically assigned to investigate the force incident. The involved deputy and his/ her supervisor or the assigned Criminal Investigations Division detective personnel shall ensure that all DOJ required data points are contained within the submitted ARS report.
 - (a) Serious bodily injury is defined as an injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

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This specifically includes injuries that result in the need for extensive suturing, bone fractures, unconsciousness and concussions.

- (d) The Records Bureau manager or authorized designee shall ensure that our organization complies with the California Department of Justice reporting requirements, pursuant to Government Code §12525.2. At a minimum, this will require that authorized Records Bureau personnel submit all Level III force incident data via the designated California Department of Justice force reporting system on an annual basis

300.5.2 NOTIFICATION TO SUPERVISORS

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

- (a) All level 2 and 3 uses of force (see above)
- (b) An arrested or detained person alleges any of the above has occurred

300.5.3 DISPLAYING OF FIREARMS

Deputies should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the deputy does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms may be drawn or otherwise deployed and kept at the ready, but should generally not be directed toward an individual.
- (b) If the deputy reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the deputy no longer perceives such threat.

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

300.6 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved deputy(s).
- (b) Ensure that any injured parties are examined and treated.
- (c) Ensure that the person upon whom force was applied is interviewed and that the results of the interview are documented in the related reports.
- (d) Ensure that photographs are taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas and submitted to the Forensics Bureau under the associated case number.
- (e) Ensure that attempts have been made to locate, identify, and interview additional witnesses and the results of those interviews are documented in the related reports.
- (f) Review and approve all related reports.
- (g) Ensure compliance with this policy and address any training or equipment issues.

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- (h) If there is any indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through their chain of command.
- (i) Should the supervisor determine that any application of force was not within policy, the supervisor will immediately contact his/her supervisors to initiate an administrative investigation coordinated through the Professional Standards Unit.

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

300.6.1 REPORT RESTRICTIONS

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

300.7 USE OF FORCE ANALYSIS

At least annually, the Operations Branch Chief Deputy should cause to be prepared an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, involved persons or case numbers. The report will be utilized for:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding of the policy. This policy will be incorporated into ongoing weapons and force tool training, including firearms related training. The Sheriff's Training Bureau will ensure this training addresses the intersection between the use of force and vulnerable populations, to include children, elderly persons and people with physical, mental and developmental disabilities. All deputies will complete Crisis Intervention Training (CIT).

Deputies will review and acknowledge all changes and updates to this policy on an annual basis.

300.9 POLICY REVIEW

The Sheriff's Office will regularly review and update this policy to reflect current laws and best practices. The division commander assigned to oversee this manual will be responsible for conducting this review on an annual basis (Government Code § 7286(b)).

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300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with § 1020 of this Policy, Personnel Complaints (Government Code § 7286(b)).

300.11 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)) and that it is posted to the Sheriff's Office Internet website pursuant to California Penal Code §13650.

300.12 PUBLIC RECORDS REQUESTS

Requests for public records involving a deputy's personnel records shall be processed in accordance with Penal Code § 832.7 and with § 810 and § 1026 of this policy, Records Maintenance and Release and Personnel Records (Government Code § 7286(b)).

Deadly Force Review

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this Department.

302.2 POLICY

The Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of the Department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in significant injury or death to a person. The Sheriff or his/her designee will initiate an Administrative Investigation. The Use of Deadly Force Review Board will review the circumstances surrounding accidental or intentional discharge of a firearm where injury, significant property damage, or other extenuating circumstances occur, whether the employee is on or off duty, excluding range training, recreational use and/or animal euthanization. The Sheriff may convene the Use of Deadly Force Review Board to investigate the circumstances surrounding any use of force incident.

302.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised as follows:

- (a) The Undersheriff, who shall act as chairperson.
- (b) The Chief Deputies, or substitute command officers in the event of their unavailability, totaling 3.
- (c) An uninvolved Department member, appointed by the chairperson to act as secretary.
- (d) The deputy involved in the shooting may, if he/she chooses, designate any sworn member of the Department to serve as a non-voting member. This deputy shall serve as an impartial member of the Board and will not serve as an advocate for the deputy involved. The member selected shall not be selected from persons who are involved in the deadly force incident or any subsequent investigation. This member shall not be the immediate supervisor of the involved deputy.

302.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The board members may request further investigation, call persons to present information, and may request that the involved employee appear before the board. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process.

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

The review shall be based upon those facts which were reasonably believed by the deputy at the time of the incident, applying legal requirements, department policy and procedures, and approved

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training to those facts. Facts later discovered but unknown to the deputy at the time, can neither justify nor call into question a deputy's decision regarding use of force.

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, the board will conduct the interviews in accordance with department disciplinary procedures. The board does not have the authority to recommend discipline. The board shall make a finding and such finding will be limited to one of the following:

- (a) The employee's actions were within department policy and procedures.
- (b) The employee's actions were in violation of department policy and procedures.

Additionally, the person tasked with making the presentation to the board should address the following areas:

- (a) Training – If relevant, was the employee's training current (e.g. weapons qualification)? Additionally, do the circumstances of the incident indicate the need for additional training? If so, such training will be recommended by the board.
- (b) Equipment - Did the presence or absence of specific equipment contribute to the need to utilize deadly force? Is there additional equipment, though not required, which would have assisted the employee in resolving the incident?
- (c) Did the tactics employed by the employee leading up to the moment of using deadly force appear to be appropriate? Should the Board find that the tactics were inappropriate; this will be commented on in a separate communication to the Sheriff, the County Counsel and the involved employee.

The Sheriff, his legal advisor and the Commander(s) of the involved employee, may attend the Board review of the facts but may not attend the Board deliberations.

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Sheriff. After review by the Sheriff, a copy of the findings will be forwarded to the involved employee's Division Commander for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Office of the Sheriff.

Handcuffing and Restraints

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

306.3 USE OF RESTRAINTS

Only members who have successfully completed Santa Barbara 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 a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. 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.

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. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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

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 person (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 Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

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

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

306.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious. Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and imperiousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death and should be

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examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

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

306.5 APPLICATION OF SPIT HOODS

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

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

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid comingling those wearing spit hoods with other detainees.

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

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

306.5.1 TRANSPORTING RESTRAINED SUSPECTS

When transporting a suspect(s) who has been restrained, a deputy shall observe the following procedures:

- (a) Restrained suspects may be transported in a patrol unit. They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the suspect cannot be transported in a seated position, he/she shall be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the suspect shall be accompanied by a deputy.

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- (c) Deputies shall inform the jail staff that the arrestee was subjected to being restrained by use of a restraint device prior to arrival at the jail.

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

306.6.1 AUTHORIZED LEG RESTRAINT

The RIPP Hobble manufactured by RIPP Restraints, Inc., Orange City, Florida is the only restraint authorized by this department. Deputies shall only use the RIPP Hobble restraint supplied by the Department.

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 Office shall be used.

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

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

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.

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- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

306.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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 capicum (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. The Training Bureau will maintain a list of approved devices.

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.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the Department Rangemaster or the designated instructor for a particular control device.

308.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only deputies trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
- (b) Training for all control devices should occur every two (2) years at a minimum.
- (c) All training and proficiency for control devices will be documented in the deputy's training file.
- (d) A deputy failing to demonstrate proficiency with the weapon or knowledge of the Department's Use of Force policy will be provided remedial training. If, after two (2) additional attempts, a deputy still cannot demonstrate proficiency with a weapon or knowledge of the Department's Use of Force policy, the deputy may be subject to discipline.

308.2 POLICY

The baton is authorized for use when, based upon the circumstances perceived by the deputy, such force reasonably appears justified and necessary to result in the safe control of the suspect.

The need to immediately incapacitate the 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 may cause serious bodily injury or death to the deputy or others.

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308.2.1 APPROVED IMPACT WEAPONS

The Department will issue the 26" Peacekeeper straight baton to all authorized deputies/custody deputies based on their current assignment on or after 05/01/20. However, deputies/custody deputies will be allowed to purchase, at their own expense, authorized optional expandable side-handle, authorized expandable straight baton, non-expandable side-handle and non-expandable straight batons (24-29 inches in length, 1-1/8 to 1-1/4 inches in width, Kogawood make or similar) to carry in-lieu of the issued baton.

A patrol deputy shall carry his/her duty expandable straight baton or other authorized baton on his/her person at all times while working in uniform. Those deputies authorized to use the expandable straight baton are still required to have their side-handle baton readily accessible for field deployment while on duty for crowd control and riot situations.

- The 36" baton is authorized for use by members of the Sheriff Response Team (SRT).
- The 40" horse baton is authorized for use by members of the Mounted Unit.
- The 42" extraction baton is authorized for use by Custody Deputies.

308.2.2 REQUIRED TRAINING

No impact weapon will be carried by any member of the Department without first attending a Department-authorized course of instruction pertaining to that weapon. However, in exigent circumstances where an authorized impact weapon is not available and another available object is used as an impact weapon, that object shall be used in the same manner as an authorized impact weapon.

308.2.3 CARE AND MAINTENANCE

No modifications shall be made to impact weapons except for the following:

- (a) Members of the Department may use the PR-24 Spindle Sleeve or a thumb-ball stop on their duty side-handle baton.
- (b) Deputies/Custody Deputies who purchase and carry any authorized optional baton shall be responsible for all necessary upkeep, maintenance, repair, and replacement at their own expense.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The field supervisor, watch commander, incident commander, or the Criminal Investigations Division Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only deputies or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

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308.3.1 CROWD CONTROL

The following factors should be considered for maximum effectiveness prior to deployment:

- (a) Size of the Crowd
- (b) Wind Direction
- (c) Terrain
- (d) Escape routes
- (e) Protective equipment for personnel
- (f) Proper selection of chemical agent
- (g) Fire hazards in area
- (h) Presence of chemical agents instructor to assist

Prior to deployment into any crowd control situation, or in instances of barricaded person(s) or suspect, the crowd or barricaded person(s) should be urged to disperse or to exit. A dispersal order should be read in such a manner as to be heard at the back of the crowd prior to deployment of chemical agents. The order should also indicate escape routes or exit points.

308.3.2 USES IN RESIDENCES, BUILDINGS, ETC

Polytechnic Munitions shall not be used inside structures where a fire hazard is present, unless such agents are deployed using a chemical agent "vault" which disperses burning agents in a safe and approved manner. Therefore, the use of chemical agents in residences, buildings, or other enclosed areas, where a barricaded person(s)/suspect(s) or mentally unstable person is lodge, shall be limited to the following:

- (a) 12-gauge "Ferret" or 12 gauge "Try Flite" projectile
- (b) 37 and 40 millimeter "Ferret" projectiles
- (c) Pepper Ball 68 caliber projectile
- (d) Other approved non-burning chemical agents

308.3.3 TRAINING

Only those employees trained in the use of those munitions defined in Policy Manual § 308.32 shall be authorized to deploy such agents. Other persons may be designated to use the above-described chemical munitions by the field supervisor or the on-scene commander at his/her discretion and under his/her control.

308.4 RESPONSIBILITIES

Only authorized personnel may possess and maintain Department-issued oleoresin capicum (OC)spray. Chemical agents are weapons used to minimize the potential for injury to deputies, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

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308.4.1 WATCH COMMANDER OR SHIFT SERGEANT RESPONSIBILITIES

All personnel authorized to carry OC spray shall complete the required course of instruction prior to possessing and using the OC spray.

308.4.2 RANGEMASTER RESPONSIBILITIES

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

Canisters involved in any type of malfunction or damage shall be turned into Special Services for exchange.

308.4.3 USER RESPONSIBILITIES

PepperBall® projectiles are plastic spheres that are filled with a derivative of OC powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. Although classified as a less-lethal device, the potential exists for the projectiles to inflict injury when they strike the head, neck, spine and groin. Therefore, personnel deploying the PepperBall system shall avoid intentionally striking those body areas unless a life-threatening situation exists. The use of the PepperBall system is subject to the following requirements:

- (a) Deputies encountering a situation that requires the use of the PepperBall system shall notify a supervisor as soon as practical. The supervisor shall respond to all PepperBall system deployments where the suspect has been hit. The field sergeant shall make all notifications and reports as required by Policy Manual § 300.
- (b) Only qualified, Department-trained personnel shall be allowed to deploy and use the PepperBall systems. The Department PepperBall systems are assigned to the Custody Division and specialized Law Enforcement Operations units. Deputies/ Custody Deputies with those assignments shall be trained at least biannually in the use of the PepperBall system by each unit's designated instructor.
- (c) Each deployment of a PepperBall system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Only non-incident deployments are exempt from the evaluation form requirement (e.g., training, accidental discharges, or product demonstrations).

308.4.4 TREATMENT FOR OC SPRAY EXPOSURE

Once OC spray has been used on a person, the deputy shall, as soon as practical, flush the person's eyes with clear water. Medical attention should be sought only if an unusual reaction occurs. If the person is to be booked into a detention facility, notification of such application shall be made to receiving staff so they may monitor the person and offer further care if necessary.

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308.4.5 REPORT OF USE

All uses of OC spray and Pepper Ball projectiles shall be documented in the related arrest/crime reports and on a Department Use of Force form.

308.5 KINETIC ENERGY PROJECTILES

This department is committed to reducing the potential for violent confrontations when suspects and vicious animals are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury.

Kinetic energy projectiles are approved by the Department and are fired from 12-gauge shotguns or 37/40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

308.5.1 DEPLOYMENT

Approved munitions are justified and may be used to compel an individual to cease his/her actions when such munitions present a reasonable option for resolving the situation at hand.

A deputy is 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 or the safety of vicious animals.

308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
- (b) Has made credible threats to harm himself/herself or others
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or deputies

308.5.3 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) Credibility of the subject's threat as evaluated by the deputies present, and physical capacity/capability
- (e) Proximity of weapons available to the subject
- (f) Deputy's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of deputies versus subjects)

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- (g) Availability of other force options and their possible effectiveness
- (h) Distance and angle to target
- (i) Type of munitions employed
- (j) Type and thickness of subject's clothing
- (k) Subject's actions which dictate the need for an immediate response and the use of control devices appears appropriate
- (l) Availability of a backup deputy to provide a lethal force option, if necessary

308.5.4 DEPLOYMENT DISTANCES

A deputy should keep in mind the manufacturer's recommendations regarding deployment when using control devices but is not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

308.5.5 SHOT PLACEMENT

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 when deadly force is not reasonably justified.

A deputy should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas; however, any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

In order to avoid a contagious fire situation, an announcement should be made to all personnel on scene that the stun bag shotgun is about to be fired.

308.5.6 APPROVED MUNITIONS

Only Department-approved kinetic energy munitions shall be carried and deployed.

308.5.7 TRAINING REQUIRED FOR USE

Personnel who have successfully completed a Department-approved training course shall be authorized to use kinetic energy projectiles. Deputies deploying kinetic energy projectiles will complete an annual recertification course.

Deputies assigned to the Special Enforcement Team, who have completed a Departmental training course, may carry and employ 12 gauge or 40 mm projectiles while on duty or while performing Special Weapons and Tactics missions.

308.5.8 SUPERVISOR'S RESPONSIBILITIES

A specially-marked shotgun, designated for the use of 12-gauge projectiles, will normally be carried in the trunk of each supervisor unit but may be assigned to other personnel by the on-duty supervisor.

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- (a) Supervisors or authorized deputies will inspect this shotgun at the beginning of each shift to ensure that it is in proper working order and the appropriate munitions are available for loading prior to deployment. **Under no circumstances shall these weapons be loaded with duty shotgun ammunition.**
- (b) After any deployment, the on-duty supervisor will ensure the subject receives any necessary medical treatment. This use will be documented in the appropriate reports and Department Use of Force form. Whenever possible, the subject's wounds will be photo documented. If photo documentation cannot be completed, the reason will be identified in aforementioned reports.

308.5.9 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and shall issue all Kinetic energy devices. All damaged or inoperative kinetic energy devices shall be returned to the Rangemaster for disposition, repair or replacement.

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.

308.7 POST-APPLICATION NOTICE

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

Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

309.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

309.3 ISSUANCE AND CARRYING CEDS

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

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
- (c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

309.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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309.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

309.4.1 LIMITATIONS AND RESTRICTIONS

In order to minimize the risk of injury to the subject or to officers on scene, the following cautions should be taken into consideration by the CED operator prior to its deployment:

- (a) To the extent possible, avoid cartridge shots or drive-stuns to the subject's head, face, neck, upper chest and groin areas.
- (b) Due to the risk of ignition of explosive/flammable materials, the CED should not be used in situations where these materials may be present.
- (c) Use of the CED should be avoided where the subject is in an elevated position or in an environment where the subsequent fall is likely to cause substantial injury or death.
- (d) Use of the CED should be avoided when the subject is extremely young or old, or obviously pregnant.
- (e) Caution should be exercised when deploying the CED around Department Canine and Mounted Units.
- (f) If a subject is handcuffed or similarly restrained, the CED should only be used if the subject is violent or physically resisting to the point of being an immediate threat.
- (g) The CED shall not be used against persons in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters 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 TASER to stop a suspect from using a vehicle as a deadly weapon.

309.5 USE OF THE CED

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

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If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

309.5.1 APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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, themselves, or others.

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

309.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

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309.5.4 MULTIPLE APPLICATIONS OF THE CED

Deputies should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED 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 CED appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the CED, 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 CED at a time against a single subject.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

309.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

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

309.6 REPORTING AND DOCUMENTATION

The on-duty supervisor shall be notified of all CED discharges. CED discharges, with the exception of those occurring during training or test firing, shall be documented in the following manner:

- (a) Drive Stun-The use of the Drive Stun on a subject shall be documented on the appropriate Offense/Arrest/Incident Report in a manner consistent with the reporting requirements outlined within the Use of Force Policy §300.
- (b) Darts Deployed-All discharges of the CED darts at another person, whether or not the deployment resulted in the delivery of an electronic pulse to the subject, shall be

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documented on the appropriate Offense/Arrest/Incident Report in a manner consistent with the reporting requirements outlined within the Use of Force Policy §300.

- (c) Unintentional/Accidental Discharges-Unintentional or accidental discharges of the CED darts shall be documented in an Incident Report, which will be forwarded through the chain of command to the Division Commander. A copy will be forwarded to the Training Bureau for consideration in future training.
- (d) If the unintentional/accidental discharge causes an electronic pulse to be delivered to another person, the above described procedure under "Darts Deployed" shall be followed.
- (e) Vicious Animal-Deployment of the CED to control a vicious animal, whether or not the deployment was successful, shall be documented on the appropriate Offense/Arrest/Incident Report.

After each reportable use of the CED, the firing data shall be printed and attached to the accompanying case report.

Each quarter, at a minimum, Division Commanders will ensure that employees download the information stored within their CEDs into the Evidence.com repository.

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309.6.1 RE-QUALIFICATION OF CONDUCTED ENERGY DEVICE USERS

The Training Bureau will incorporate CED re-qualification into continuing professional training once each year.

309.6.2 REPORTS

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

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems
- (f) Whether any display, laser or arch deterred a subject and gained compliance.
- (g) The range at which the CED was used.
- (h) The type of mode used (probes or drive-stun).
- (i) Location of any probe impact.
- (j) Location of contact in drive-stun mode.
- (k) Description of where missed probes went.
- (l) Whether the subject sustained any injuries and the nature of medical care provided.
- (m) Whether any deputies sustained injuries.

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309.7 MEDICAL TREATMENT

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

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

309.8 REPLACEMENT EQUIPMENT

Each station should maintain a sufficient supply of cartridges to replace those fired during CED deployments. The Training Bureau should maintain sufficient supplies of CED cartridges and Digital Power Magazines to replenish expended cartridges and depleted batteries throughout the Department.

309.9 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the

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related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

309.10 TRAINING

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

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

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

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

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

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Lieutenant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

The Training Bureau manager should periodically analyze reports documenting uses of force involving CEDs to identify trends, including deterrence and effectiveness. Supervisors are

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responsible for auditing CED downloads of their subordinates to insure the information contained within the downloads are consistent with appropriate and documented use of the CED by their subordinates.

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

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

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

310.2 POLICY

The policy of the Santa Barbara County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths 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 Agency may relinquish its criminal investigation to an outside agency with the approval of the Sheriff or authorized designee.)
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Sheriff's Office policy
- (d) A civil investigation to determine potential liability conducted by the Administrative Investigations Team.

310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer(s) (See Policy Manual 310.4.4). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths:

310.4.1 SANTA BARBARA COUNTY SHERIFF'S DEPUTY WITHIN THIS JURISDICTION

The Santa Barbara 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 or death will be reviewed by the District Attorney's Office.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

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

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Requests made of the Santa Barbara Sheriff's Office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or authorized designee for approval.

310.4.3 SANTA BARBARA COUNTY SHERIFF'S DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Santa Barbara Sheriff's Office will conduct timely administrative and/or civil 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
SBSO Deputy in SBSO Jurisdiction	SBSO Detectives	SBSO Detectives & reviewed by the District Attorney's Office	SBSO Administrative Investigation Team	SBSO Administrative Investigation Team
Allied Agency's Officer in SBSO Jurisdiction	SBSO Detectives	SBSO Detectives & reviewed by the District Attorney's Office	Involved Officer's Department	Involved Officer's Department
SBSO Deputy in Outside SBSO Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	SBSO Risk Assessment Unit	SBSO Administrative Investigation Team

310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death as a result of other actions of a deputy.

310.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death as a result of other actions of a deputy, the first uninvolved SBSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional SBSO resources and any other appropriate resources from other agencies.
- (d) Coordinate a perimeter and pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief a supervisor upon arrival.

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310.5.2 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting or death as a result of other actions of a deputy, the first uninvolved supervisor should:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (c) Identify shooter deputies and attempt to obtain a brief overview of the situation from any non-shooter deputy(s).
 - 1.
- (d) Notwithstanding the above, if necessary, the supervisor may administratively order any deputy from this department to immediately provide public safety information 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.
 - 2. The supervisor should not attempt to order any deputy to provide information other than public safety information.
- (e) Provide all available information to the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter deputies should 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 offered a comparable replacement weapon. Assign an uninvolved deputy, preferably a supervisor, to stay with the involved deputies to provide resources and support, in addition to assuring the incident is not discussed among the deputies. Only under the direct supervision of an uninvolved supervisor or deputy are the involved deputies permitted to stay together in a group until they individually meet with their attorney or representative.

310.5.3 STATION LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the station Lieutenant or field supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Division Commander.

All outside inquiries about the incident shall be directed to the station Lieutenant or field supervisor.

310.5.4 NOTIFICATIONS

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

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- Sheriff
- Undersheriff
- Chief Deputy
- Criminal Investigations Division Commander
- Affected Division Commander(s)
- Risk Assessment Unit & Administrative Investigation Team Commander
- Psychological/Peer Support Personnel
- Coroner Bureau (if necessary)
- Public Information Officer
- Santa Barbara County Deputy Sheriff's Association (SBCDSA) or involved Deputy Representative

All outside inquiries about the incident shall be directed to the field supervisor.

310.5.5 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 Watch Commander, Criminal Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

The identities of involved deputies will only be released after approval by the Sheriff or designee after the involved deputies have first been notified, 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 designee.

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.

310.5.6 INVOLVED OFFICERS

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

- (a) Any request for Agency or legal representation will be accommodated; however, no involved deputies shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report (Government Code § 3303(i)). The involved deputies may stay together as a group for mutual support, but only under the direct supervision of an uninvolved supervisor or deputy until they individually meet with the attorney or representative.

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- (b) Discussions with licensed attorneys will be considered privileged as attorney client communication.
- (c) Discussions with Agency representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Agency 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 deputy(s) 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.
 - 3. A separate fitness-for-duty exam may also be required (See the Fitness for Duty Policy).
- (e) Although the Agency 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(s).

Care should be taken to preserve the integrity of any physical evidence present on the deputy's equipment or clothing (e.g., blood, 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 a deputy-involved shooting or death and it shall be the responsibility of the Division Commander to make schedule adjustments to accommodate such leave.

310.5.7 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Shift Supervisor should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

310.6 CRIMINAL INVESTIGATION

310.6.1 REPORTS BY INVOLVED SBSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, the Sheriff's Office shall retain the authority to require involved deputies to provide sufficient

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information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

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

Nothing in this section shall be construed to deprive an involved SBSO 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 or death.

310.6.2 DETECTIVE PERSONNEL

Once notified of a deputy-involved shooting or death, it shall be the responsibility of the Criminal Investigations Division Commander to assign appropriate detective personnel to handle the investigation of related crimes.

All related Agency reports except administrative and/or privileged reports will be forwarded to one (1) designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the affected Division Commander.

310.6.3 CRIMINAL INVESTIGATION

It shall be the policy of this agency to utilize the District Attorney's Office to conduct an independent investigative review into the circumstances of any officer-involved shooting involving injury or death, or a death as a result of other actions by a deputy.

If available, detective personnel from this agency may be assigned to partner with investigators from the District Attorney's Office to avoid duplicating efforts related to the criminal investigations.

Criminal investigators will be given the 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) Entitled to legal representation at all phases of the investigation. 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.
- (b) All interviews shall be audio recorded in their entirety.
- (c) Interviews should take place in a reasonable period of time, taking into consideration circumstances including but not limited to: fatigue, emotional distress, or injury. Whenever possible, officers should have some recovery time before providing a full

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formal statement as involved deputies may have memory lapse issues and perceptual disturbances following a shooting or other critical incident.

- (d) Administrative Investigations Team personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or providing the criminal investigators topics of inquiry.
- (e)
- (f) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.
- (g) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.4 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this agency 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 deputy-involved shooting or death.

310.6.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death 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) Identification of 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

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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 a member of the Office.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting 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 the incident.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with a deputy-involved shooting or death, this agency will conduct an internal administrative investigation to determine conformance with agency policy. This investigation will be conducted under the supervision of the Administrative Investigation Team (AIT) and will be considered a confidential AIT file.

- (a) Any deputy involved in a shooting or death 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/her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g)).
- (c) If 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 insure 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)).
 - 3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview) (Government Code § 3303(g))

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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 AIT shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies, review of tactics used and equipment performance.
7. The completed administrative investigation shall be presented to the Use of Deadly Force Review Board, which will determine whether or not there was compliance with the Department Use of Deadly Force policy. The Board will also consider any potential issues with training, equipment and tactics.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures. An AIT investigation may also result in referral to Professional Standards for additional investigation when warranted.

310.7.1 CIVIL LIABILITY RESPONSE

The Administrative Investigation Team may be assigned to work exclusively under the direction of the Agencies legal counsel to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

310.8 AUDIO AND VIDEO RECORDINGS/SCENE WALK-THROUGH

Any deputy involved in an incident may be permitted to review available Mobile Audio Video (MAV), body-worn video or other video or audio recordings prior to providing a recorded statement or completing reports. Involved deputy(s) may be permitted an opportunity to conduct a scene walk-through with their representative or attorney. Involved deputy(s) will not be questioned and the scene walk-through will not be recorded.

a Prior to the interview of the involved deputy, investigators should review all available audio/video recordings from Mobile Audio Video (MAV), Body-worn video of involved deputies, witness deputies, and independent third parties and sources.

b The involved deputies will have the opportunity to review audio/video recordings prior to giving a statement with their legal representative. No other parties or investigators shall be present in the room while the officer and attorney are reviewing the audio/video recordings. This includes reviewing MAV, body-worn camera and reasonably available recordings that depict the involved

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deputy's field of vision at the time of the incident. The involved deputy may also review any visual or audio material they saw or heard immediately prior to the incident.

c Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an involved deputy. If the investigator shows any audio/video recordings to the involved deputy, the investigator should admonish the involved deputy about the limitations of audio/video recordings.

1. The following is an example of an admonishment that would be appropriate in a case involving video evidence:

"In this case, there is video evidence that you will have the opportunity to view. Video evidence may have limitations and may depict all the events as were seen or heard by you. Video may have a limited field of view and may not capture events normally seen by human eye. Video evidence is intended to assist your memory and ensure that your statement explains your state of mind at the time of the incident. It is your choice whether to view any audio/video recordings prior to giving a statement."

d 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, body-worn video or other video or audio recordings with approval of assigned investigators or a supervisor.

e To the extent permitted by law, any MAV, body-worn video 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.

310.9 DEBRIEFING

Following an officer-involved shooting or death, the Santa Barbara County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing will be coordinated and should occur as soon as practicable. The Operations Support Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing is voluntary and shall only include those members of the Agency directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the agency, including management and Professional Standards Unit personnel.

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310.10 REPORTING

If the death of an individual occurs in the Santa Barbara County Sheriff's Office jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies. This policy also establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Sheriff or his / her designee shall approve all Sheriff's Office firearms before they are acquired and utilized by any member of the department.

The provisions of this order, and any other Sheriff's Office regulation pertaining to firearms, shall apply equally to all deputies/custody deputies, reserve deputies, and others as designated whether full time, part time, or auxiliary employees of the Sheriff's Office, regardless of rank or assignment. They shall also apply equally to any other person associated in any manner with the Sheriff's Office.

This policy only applies to those members who are authorized to carry firearms on duty.

312.2 AUTHORIZED WEAPONS

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

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

312.2.1 ALCOHOL AND DRUGS

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 senses or judgment.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

312.3.1 HANDGUNS

The authorized Sheriff's Office issued handgun is the Sig Sauer P320 9mm or .40 caliber semi-automatic pistol.

Members of the Department who are authorized to carry and utilize firearms while on duty may carry an optional firearm provided:

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- (a) Permission has been requested and received from the Sheriff or his/her designee;
- (b) The firearm meets the following criteria:

Type	Semi-automatic pistol or double action revolver
Make	Beretta, Glock, Sturm Ruger, Sig Sauer, Smith & Wesson, Heckler & Koch, Para Ordinance, Springfield XD Series, Browning, Kimber, Remington or Colt.
Model	Barrel length must be 3.5 inches to a maximum length of 6 inches. With the exception of the modern 1911 platform pistols, the action must be double action (double/single action), striker fire or double action only, with those weapons having an exposed hammer capable of being decocked without pulling the trigger. All weapons must be of such a design as to have an internal safety which prevents the hammer from contacting the firing pin unless the trigger is pulled.
Caliber	Caliber must be 9mm, 10mm,.45 ACP,.40 S&W,.357 mag or .357 Sig.
Capacity	Magazines or cylinders must hold a minimum of six (6) rounds. They must be produced and designed by the manufacturer of the firearm.

Finish: The finish of an authorized optional handgun will be limited to black, blue steel or stainless steel.

The Sheriff may authorize other optional firearms on an individual basis.

Employees of the Department are authorized to carry and use a firearm whenever they are currently qualified to do so by the Training Bureau. The minimum qualifying standard for each type of firearm shall be established by the Rangemaster.

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.

SECONDARY HANDGUNS:

A deputy desiring to carry a secondary firearm is subject to the following restrictions:

- (a) The firearm shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.) and in good working order.
- (b) The firearm shall be of at least .380 caliber and carries at least five (5) rounds.
- (c) Only one (1) secondary firearm may be carried at a time.
- (d) 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. The purchase of the firearm and ammunition shall be the responsibility of the member.

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- (e) The firearm should be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (f) The firearm shall be subject to inspection whenever deemed necessary.
- (g) Ammunition used is commercially manufactured and designed for that firearm. No Teflon, armor piercing, tracer, fully jacketed, exploding, incendiary design, or reloaded ammunition is authorized.
- (h) Personnel shall qualify with the secondary firearm under range supervision. A deputy must demonstrate his/her proficiency, safe handling, and serviceability of the firearm.
- (i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.
- (j) It will be the responsibility of the deputy to submit the firearm to the Rangemaster for inspection prior to being carried. The Rangemaster shall assure that the deputy is proficient in handling and firing that firearm, and it will be carried in a safe manner. The firearm shall be subject to inspection whenever deemed necessary. The deputy will successfully qualify with the firearm prior to it being carried and thereafter once every three (3) months. The range qualification dates will be specified by the Rangemaster.

OFF DUTY HANDGUNS:

The carrying of firearms by deputies while off duty is permitted by the Sheriff but shall be rescinded any time an employee is required to turn in his/her badge, identification, and duty weapon when placed on extended medical or administrative leave.

Deputies who choose to carry a firearm while off duty must first meet the Department's qualification standards outlined in Policy Manual § 312.7. The deputy/custody deputy will successfully qualify with the weapon prior to it being carried and thereafter once every year. The range qualification dates will be specified by the Rangemaster.

312.4 SHOTGUNS

The authorized department-issued shotgun is the Remington 870. When not deployed, the shotgun shall be properly secured consistent with department training within a locking weapons rack in a patrol vehicle.

312.5 PATROL RIFLES

312.5.1 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 Department will make patrol rifles available to qualified deputies as an additional and more immediate tactical resource.

312.5.2 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Sheriff's Office or authorized deputy and which is made available to properly-trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally-owned rifles may be carried for duty unless pre-approved in writing by the Sheriff or his/her designee in accordance with this policy.

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312.5.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications and approved by the Sheriff may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt AR-15 or a personal optional rifle that meets the Department specifications and has been inspected and approved by the Rangemaster.

312.5.4 PERSONAL OPTIONAL RIFLE

Deputies authorized to carry or utilize a patrol rifle may request authorization from the Sheriff; through their chain-of-command, to use a personal optional AR-15 as an optional weapon when all of the following have been met:

- (a) The deputy has passed probation and attained permanent status.
- (b) Once authorization is granted, the Rangemaster must inspect the personal rifle.
- (c) The personal rifle must be the same make, model and caliber as the Sheriff's Office issued patrol rifle. The approved rifle is the Colt AR-15 A2/A3.
- (d) The rifle shall be equipped with a rifle sling. A carrying case and cleaning gear is also required.
- (e) All modifications to a personal optional rifle must be approved by the Rangemaster and recorded by the Training Bureau. Modifications include, but are not limited to, optics, lights, lasers, and internal parts.
- (f) If electronic optics are used, iron sights must be available as an immediate back up in the event of optic failure.
- (g) Rifles will maintain the same color scheme as Sheriff's Office owned patrol rifles, which is standard black.
- (h) A personal optional weapon's make, model, serial number and modifications along with DOJ proof of registration shall be given to and recorded by the Training Bureau prior to deployment.
- (i) A personal optional rifle shall be deployed only by the owner of the rifle, except in exigent circumstances. No "sharing" of rifles is allowed.

312.5.5 RIFLE AMMUNITION

The only ammunition authorized for the patrol rifle is that which has been issued by the Sheriff's Office. This will consist of a quality factory load in a.223 caliber.

312.5.6 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect and service each patrol rifle on a annual basis.
- (b) Each deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

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(d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

312.5.7 TRAINING

A deputy shall not carry or utilize the patrol rifle unless he/she has successfully completed Departmental training with a certified patrol rifle instructor, and the deputy shall have a successful qualification score. A deputy shall thereafter be required to successfully re-qualify on an annual basis.

312.5.8 DEPLOYMENT OF THE PATROL RIFLE

Deputies may deploy the patrol rifle in any circumstance where the deputy 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 deputy reasonably anticipates an armed encounter.
- (b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When a deputy reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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

312.5.9 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by Policy § 300 and § 312.10.

312.5.10 PATROL READY

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

- (a) There is no round in the chamber (this is accomplished with a visual and physical check of the chamber.).

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- (b) The rifle bolt is forward on the empty chamber, with the hammer cocked and the safety engaged in the "on safe" position.
- (c) There is a loaded magazine in the rifle. Thirty (30)-round magazines will be loaded with 30 rounds and twenty (20)-round magazines will be loaded with 20 rounds.
- (d) The dust cover is closed.
- (e) The rifle is stored in the locked patrol vehicle's rifle rack or trunk.
- (f) If a personal optional rifle is used, the rifle will be stored in the vehicle's locked rifle rack, trunk or locked case, while on duty in a "patrol ready" configuration. The deputy will inspect and make ready the rifle in a "patrol ready" configuration as in (1) through (5) for possible use by another deputy during a situation in which a rifle is needed. Any department patrol rifle temporarily removed from a patrol vehicle's locked rifle rack will be secured in the station safe or locked container of a patrol vehicle. The department patrol rifle will be returned to the patrol vehicle's locked rifle rack prior to the deputy's end of watch.

312.5.11 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the Department armory in rifle racks.
- (b) At the start of each assigned shift, any qualified, on-duty deputy may contact the Watch Commander or Shift Sergeant or a patrol supervisor for access to the Department armory.
- (c) During off-duty hours, the personal optional rifle shall be removed from the vehicle and stored, unloaded, in a locked case, in the deputy's locked locker at the station or transported home and stored in accordance with all state and local laws.
- (d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

312.6 AMMUNITION

A deputy shall carry only ammunition authorized by the Sheriff's Office. The Sheriff's Office provides 9mm and .40-caliber ammunition for all firearms training and qualification. Employees carrying optional caliber firearms must purchase approved ammunition for this use.

Only Sheriff's Office -issued shotguns and ammunition shall be used.

The Sheriff's Office -issued buckshot is authorized for general law enforcement purposes and will be loaded into the shotgun magazine to prepare the weapon for deployment. The shotgun magazine tube will be loaded to full capacity.

The Sheriff Office issued slug is authorized for unusual situations such as barricaded suspects. Slugs shall not be loaded into the shotgun magazine tube or chamber at the beginning of a shift or work period as a matter of routine. Slugs will only be loaded when the tactical considerations of this particular round are necessary and required in compliance with this policy.

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312.7 FIREARMS QUALIFICATIONS

All Sheriff's deputies and those custody deputies hired after December 4, 2006, (pursuant to Penal Code § 830.1(c)) are required to qualify quarterly with their duty firearm on an approved range course. Additionally, personnel who were original hired prior to December 4, 2006, as Corrections Officers (pursuant to Penal Code § 831.5) and are assigned to positions requiring the carrying of a firearm while on duty (e.g., Transportation, Santa Maria Branch Jail, Hospital Guard) or who wish to carry a firearm off duty are also required to qualify on a quarterly basis.

The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Lieutenant. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations.

Unless noted elsewhere in this section, firearm qualifications for those employees identified in this section are established as follows:

- (a) They shall qualify with their duty firearm each quarter unless a simulated firearms course is used for qualification or a condition exists which would preclude qualification for a limited period.
- (b) Those authorized to carry and use the shotgun shall qualify with the shotgun annually.
- (c) Designated deputies/custody deputies shall qualify with other Sheriff's Office special weapons annually.
- (d) The Sheriff, Undersheriff, Chief Deputies, and Commanders shall also qualify quarterly, unless excused from qualifying by the Sheriff on a case-by-case basis.

312.7.1 NON-QUALIFICATION

If a deputy is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, he/she shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period explaining why he/she was unable to qualify. This memo will be sent to the employee's Division Commander via the chain of command for review. Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

All personnel attempting to qualify will be given three (3) attempts (course of fire) to qualify and/or improve their score per range day.

All personnel that fail to qualify in the first three (3) courses of fire must return to the range prior to end of the quarter and qualify. If, in the opinion of the Rangemaster, the employee requires a "Remediation Class" prior to making another attempt to qualify, the Rangemaster will inform the employee and set up an appointment for the "Remediation Class" as soon as possible.

An employee will have up to four (4) range days (12 courses of fire) to attempt to qualify per quarter (not including Remediation Class).

If, by the end of the scheduled quarterly firearms qualification period, an employee does not successfully qualify:

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The Training Bureau will notify the Division Commander via Chain of Command of the employee who did not qualify:

The employee's Division Commander will determine if there was an acceptable reason for the employee not to qualify, such as medical restrictions, family emergencies, military duty, extended assignment out of the area (e.g., FBI Academy, etc.) or other reason(s) deemed acceptable by the Division Commander.

If there was not an acceptable reason for the non-qualification, the employee's Division Commander will:

Ensure that the employee returns to the range at the first opportunity to qualify.

Pending qualification, place the employee in a non-field, unarmed assignment.

Initiate disciplinary procedures against the employee, pursuant to Sheriff's Office policy.

Employees who fail to qualify repeatedly are subject to discipline up to, and including, termination.

312.8 REPAIRS OR MODIFICATIONS

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

Any repairs or modifications to the deputy's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

312.8.1 OPTICS OR LASER SIGHTS

Optics or Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Rangemaster.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) 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.

Except in an approved training situation or during a pre-shift function test, a deputy may only activate a laser sight when the deputy would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.8.2 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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312.8.3 HOLSTERS

Only Sheriff's Office approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

312.9 SAFETY CONSIDERATIONS

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall treat all firearms as if they are loaded until they are properly made "safe" by manually and visually inspected the firearm.
- (b) Members shall not unnecessarily display or handle any firearm. Every firearm handled shall be treated as a loaded firearm until the handler has personally proven otherwise.
- (c) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (d) Any member who discharges his/her firearm accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit. The on-duty supervisor shall as soon as practical notify the geographical area Operations Division Commander and the Division Commander of the persons(s) involved.
- (e) Members shall use clearing barrels prior to cleaning, repairing, loading or unloading a firearm anywhere within a Sheriff's Office building..
- (f) Shotguns or rifles removed from vehicles or equipment storage rooms shall be loaded and unloaded in the parking lot and outside of the vehicle. This does not preclude a deputy from making a firearm safe following a tactical deployment. As with all firearms, visual and physical confirmation of its condition is necessary prior to manipulating any part or action of the shotgun. Therefore, each member of the Sheriff's Office shall make a visual and physical examination of the firearm, its chamber, and its magazine/feeding devices prior to readying it for use. Failure to clear any firearm may result in an unintentional discharge. Any accidental discharge of a firearm resulting from failure to comply with the above regulations shall be considered an act of negligence and a violation of this policy.
- (g) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (h) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (i) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried.

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It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.9.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels. Personally owned firearms may be safely stored in lockers at the end of the shift. Sheriff's Office owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.9.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit Sheriff's Office issued firearms to be handled by anyone not authorized by the Sheriff's Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

312.9.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, key lock, combination lock or other similar locking device (Penal Code § 25140).

Deputies are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

312.10 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.10.1 INJURED ANIMALS

With the approval of a supervisor, a deputy may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). The on-duty supervisor will submit a memo to the geographical Division Commander detailing the reason for the euthanization and the safety steps taken to ensure the discharge was done in a safe manner. Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

312.10.2 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, Office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.10.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

312.11 RANGEMASTER DUTIES

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

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

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The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Lieutenant.

312.11.1 QUALIFIED LAW ENFORCEMENT OFFICER DEFINED

Pursuant to Title 18, United States Code, § 926B(c), a Qualified Law Enforcement Officer is defined as an employee who:

- (a) Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for any violation of law, and has statutory powers of arrest
- (b) Is authorized by the Department to carry a firearm
- (c) Is not subject to any disciplinary action by the Department
- (d) Meets Department standards requiring the employee to regularly qualify in the use of a firearm
- (e) Shall not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance while carrying a firearm
- (f) Is not prohibited by Federal law from receiving a firearm

For purposes of this policy, sworn, full-time Sheriff's Deputies [pursuant to Penal Code § 830.1(a)] and Custody Deputies [pursuant to Penal Code § 830.1(c)], are considered qualified to carry a firearm out of state pursuant to the Law Enforcement Officers Safety Act of 2004 as long as the deputy meets the criteria stated within this policy, including meeting the firearms qualifications for the Department.

312.11.2 RESTRICTIONS

- (a) Permission to carry a concealed weapon does not supersede or limit any state law that permits private persons or entities in that other state to prohibit or restrict possession of concealed weapons on their property. States may also prohibit or restrict carrying

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concealed weapons on any State or local government property, installation, building, base or park.

- (b) It is the member's responsibility, when carrying a concealed weapon interstate, to be aware of any restriction that is in effect in the State they are in.
- (c) Sworn personnel will remain subject to this and all other Department policies (including qualifying and training) and may not be the subject of any current disciplinary action.
- (d) Sworn personnel may not be under the influence of alcohol or any other intoxicating or hallucinatory drug while carrying a firearm.
- (e) The Law Enforcement Officers Safety Act of 2004 does not relieve the Department employee from fully complying with the requirements set forth in Title 49, Code of Federal Regulations, § 1544.219 when traveling aboard any air carrier.

312.11.3 OBTAINING A SECONDARY IDENTIFICATION CARD BY ACTIVE DEPARTMENT MEMBERS

- (a) Active members who intend to carry a concealed firearm while traveling interstate must first obtain a Department-issued secondary identification card. The secondary identification card will clearly indicate that the cardholder meets the guidelines set forth in Title 18, United States Code, § 926B and will be issued exclusively for the purpose of verifying the Department member is in compliance with this law. Failure to comply with any of the established guidelines will result in the immediate surrender of the secondary identification card and loss of Department approval to carry a concealed firearm interstate.
- (b) An active Department member who wishes to have a secondary identification issued to him/her must submit a memorandum via the chain of command to their division commander requesting the card. After confirming the deputy is in good standing, the division commander will forward the approved memorandum to the Forensics Bureau and Sheriff's Human resources.
- (c) Once the request has been approved, the Department member will be issued a card from the Forensics Bureau, Criminal Investigative Division.
- (d) Secondary identification cards for active members will be valid for as long as they remain in compliance with the guidelines set forth by the Law Enforcement Officers Safety Act of 2004.
- (e) The secondary identification card is the property of the Department and shall be surrendered upon separation or upon demand of a competent authority. Missing or damaged cards shall be immediately report to a supervisor.
- (f) Active Department members may only carry Department-approved firearms interstate and must have qualified with the firearm they are carrying in accordance with Department policy.

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312.11.4 OUT-OF-STATE PEACE OFFICERS IN CALIFORNIA

Pursuant to Title 18, United States Code, § 926C, any full-time, out-of-state peace officer is authorized to carry a concealed firearm in California subject to the following conditions:

- (a) The officer shall have in his/her possession a photographic identification form from the issuing law enforcement agency which indicates that the officer has met the state's training and qualification standards within not less than one (1) year prior to the date of issuance.
- (b) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (c) Out-of-state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.

312.12 FLYING WHILE ARMED

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Santa Barbara County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Santa Barbara 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 Santa Barbara County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.13 JIM THOMAS FIREARMS TRAINING CENTER INDOOR RANGE

The Indoor Range Facility offers state-of-the-art weapons training, incorporating live fire shooting and computerized firearms simulators. The facility is comprised of a main range, a configurable shoot house, and a firearms simulator training/class room.

The Indoor Range Facility is a designated "lead-free" facility, utilizing non-hazardous, "lead-free" frangible ammunition technology. Therefore, only Department approved frangible ammunition will be allowed inside the building. Although frangible ammunition by design will break up upon impact with a hard surface, the ammunition can cause death or serious injury.

In addition to the Indoor Range Facility, there are two (2) outside firing lanes reserved for special conditions when there is a need to discharge weapons using non-frangible ammunition.

312.13.1 SUPERVISION AND INSTRUCTION

Only authorized Department personnel will be allowed to administer and oversee use of firearms at the Indoor Range Facility. This is crucial to maintaining the integrity of the non-hazardous, "lead-free" aspects engineered into this environmentally-sensitive facility.

Prior to use of this facility, all personnel will attend an orientation session covering the following information:

- (a) General range safety and safety issues specific to indoor ranges
- (b) "Lead-free" requirements for indoor range use
- (c) An introduction and demonstration of frangible ammunition characteristics
- (d) A tour of the facility

312.13.2 AMMUNITION AND SUPPLIES

All non-lead free ammunition, including unauthorized frangible ammunition, must remain outside the building, stored either within a locked vehicle or in weapon storage lockers located at the entrance to the facility. Frangible ammunition for all calibers of firearms issued by the Department will be provided by the Training Bureau. Anyone carrying a weapon that does not fall within the calibers provided by the Department (.357 caliber, .45 caliber, etc.) must purchase non-hazardous,

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"lead-free" frangible ammunition provided by the Training Bureau. It shall be the responsibility of the Training Bureau to maintain a sufficient supply of optional caliber non-hazardous, "lead-free" frangible ammunition for purchase by those desiring to carry Department approved optional/additional/off duty weapons.

Weapons cleaning supplies and any other chemical product brought into the range will be lead free. No fluids or supplies which have made contact with lead are allowed inside the Indoor Range Facility.

312.13.3 OUTSIDE SHOOTING LANES

Outside shooting lanes are provided for situations where there is an immediate need to shoot standard leaded ammunition and it is either impractical or not possible to wait to use another outdoor range available to the Department. These situations may include, but are not limited to, the following:

- (a) Weapons malfunction checks
- (b) Test firing of weapons seized pursuant to an investigation
- (c) Duty ammunition qualification for new employees

The Training Bureau lieutenant or his/her designee will be responsible for controlling the use of the outdoor shooting lanes due to the noise sensitivity issues with the neighborhood surrounding the facility.

312.13.4 HEALTH AND SAFETY

In order to maintain a safe shooting environment, the on-duty Rangemaster has ultimate control and command authority during a course of fire. The Rangemaster can suspend weapons firing at any time for safety or health reasons. Any specialized course or training must be pre-approved by the Training Bureau Lieutenant or his/her designee.

All personnel assigned to the Training Bureau will be tested semi-annually for lead exposure at the County's expense.

312.13.5 USE OF INDOOR RANGE FACILITY BY OUTSIDE AGENCIES

Other law enforcement agencies may request the use of the Indoor Range Facility.

Listed below are requirements for outside agency use:

- (a) Prior to using the range, the requesting agency will enter into a contract for services with the County of Santa Barbara, in which the agency shall agree to defend, indemnify and hold harmless the County of Santa Barbara and the Department and to procure and maintain insurance in accordance with the provisions required by the County of Santa Barbara. Indemnification and insurance requirements will be provided to each user agency.
- (b) Use of the Indoor Range Facility by an outside agency will require the presence of the agency's certified Rangemaster who must be present during all course of fire. This

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Rangemaster must have previously completed an Indoor Range Policy and Procedure orientation administered by the Department Training Bureau Lieutenant or his/her designee.

- (c) For use of this facility, the requesting agency must first submit a range use request form provided by the Training Bureau. The date(s) and type of training to be conducted, along with the name of the agency Rangemaster, must be included on the form prior to approval by the Training Bureau Lieutenant.
- (d) Use of the facility will be through prior arrangement with the Department Training Bureau Lieutenant or his/her designee. Department training will take priority over any outside agency's request to use the facility. A member of the Department's Training Bureau will be present during any outside agency's use of the facility to ensure range policies and procedures are followed. The agency utilizing the range will be charged the current contracted overtime rate for the personnel assigned to oversee that agency's use of the range.
- (e) The requesting agency will purchase only authorized ammunition from an approved manufacturer and have it shipped directly to the Department. It will be stored at the range pending use by the requesting agency.
- (f) No outside shooting will be permitted without explicit authorization from the Training Bureau Lieutenant.
- (g) The Indoor Range Facility will be cleaned and all trash deposited in outside trash containers after each use.

312.14 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry his/her Santa Barbara County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

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

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Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B and C.

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313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Santa Barbara County Sheriff's Office members as required by law. The Santa Barbara Sheriff's Office treats reports of adult abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect/s.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Office protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict 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 also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability
- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders

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- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

313.2 POLICY

The Santa Barbara County Sheriff's Office will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

313.2.1 ARREST POLICY

It is the office policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

313.2.2 ADHERENCE TO POLICY

All deputies are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves a deputy's deviation from this policy shall provide a written report to the Sheriff via chain of command that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to office protocols (Penal Code § 368.6(c)(27)).

The Sheriff shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

313.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.

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- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

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313.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
 - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

313.5 MANDATORY NOTIFICATION

Members of the Santa Barbara County Sheriff's Office shall notify the local office of the California Department of Social Services (CDSS) APS agency of known, suspected, or alleged instances of abuse when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
 - 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department

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of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (i) When the Office receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The 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).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report or impeding or inhibiting a report of abuse of an elder or dependent adult is a misdemeanor (Welfare and Institutions Code §15630(h)).

313.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

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313.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

313.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever a deputy verifies that a relevant protective order has been issued, the deputy shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the deputy shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- (a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with office procedures.

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313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

313.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

A deputy who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

313.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

313.9.1 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the adult.

313.10 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

313.11 JURISDICTION

The Santa Barbara County Sheriff's Office has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal

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law, in such cases. However, this office will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

313.12 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

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"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder

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or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.
 - 5. Sodomy, as defined in Section 286 of the Penal Code.
 - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - 1. For punishment.
 - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - 3. For any purpose not authorized by the physician and surgeon.

313.13 TRAINING

The Office should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

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313.13.1 MANDATORY TRAINING

The Training Lieutenant shall ensure that appropriate personnel receive the required training, including:

- (a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- (b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
 - 1. Training should include the following:
 - (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
 - (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Lieutenant shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

313.14 SHERIFF RESPONSIBILITIES

The Sheriff or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Office and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of office support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including office protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 - 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

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- (b) In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
- 3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
 - (c) For each office protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Office responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

313.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A office member appointed by the Sheriff or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public, and fleeing suspects.

314.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized bureau office emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

Boxing-in - A tactic designed to stop a suspect's moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Failure to Yield - A failure to yield refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road, and does not change his/her direction of travel in an evasive manner.

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

Pursuit Intervention Technique (PIT) - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - The deliberate act of impacting a suspect's vehicle with another vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle.

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

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

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314.1.2 PURSUIT CONSIDERATIONS

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. 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.

314.1.3 CUSTODY DEPUTIES

Custody deputies should not be involved in pursuit driving unless they meet the requirements outlined in section 314.8.1 of this policy.

314.2 POLICY

It is the policy of the Santa Barbara Sheriff's Office to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

314.2.1 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized Agency emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Deputies are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

314.2.2 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when the deputy reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

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- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked bureau office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and deputy vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.
- (l) The Agency vehicle is carrying passengers other than deputies. Pursuits should not be undertaken with a prisoner in the Agency vehicle

314.2.3 WHEN TO TERMINATE A PURSUIT

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

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- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the deputies, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit. Deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.
- (i) The supervisor directs that the pursuit be terminated.

314.2.4 SPEED LIMITS

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

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.2.5 SUBSECTION TITLE

314.3 PURSUIT UNITS

When involved in a pursuit, unmarked bureau office emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of deputies involved may be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain

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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 MOTORCYCLE OFFICERS

When involved in a pursuit, bureau office motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. In situations involving serious crimes or life-threatening situations, deputies driving these types of vehicles may temporarily become involved in emergency situations. However, 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.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the deputy is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the deputy in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

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314.3.4 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary unit and is responsible for:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

314.3.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the suspects.
- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

314.3.6 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 supervisor, trail the pursuit to the

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termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

314.3.8 UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for:

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.

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- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Supervisor is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this office.
- (j) Controlling and managing Santa Barbara County Sheriff's Office units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

314.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Shift Supervisor has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Shift Supervisor shall review all pertinent reports for content and forward to the Division Commander.

314.5 THE DISPATCH CENTER

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

314.5.1 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic by simulcasting a "Code 33" and the reason for the restriction.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

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314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Santa Barbara County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this office to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this office to assist or take over a pursuit that has entered the jurisdiction of Santa Barbara County Sheriff's Office, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing deputies.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

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Assistance to a pursuing allied agency by deputies of this office will terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

314.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the deputies, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

314.7.1 USE OF FIREARMS

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle except in the most extreme and narrow circumstances (see the Use of Force Policy).

314.7.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Deputies should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Blocking should only be used after giving consideration to the following:

1. The technique should only be used by deputies who have received training in the technique.
2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) The PIT should only be used after giving consideration to the following:

1. The technique should only be used by deputies who have received training in the technique, including speed restrictions.
2. Supervisory approval should be obtained before using the technique.

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3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.
- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 1. Supervisory approval should be obtained before using the technique.
 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 3. It reasonably appears the technique will terminate or prevent the pursuit.
 4. Ramming may be used only under circumstances when deadly force would be authorized.
 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
 1. The technique should only be used by deputies who have received training in the technique.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
 1. Tire deflation devices should only be used by deputies who have received training in their use.
 2. Supervisory approval should be obtained before using tire deflation devices.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 4. It reasonably appears the use will terminate or prevent the pursuit.
 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 6. Due to the increased risk to deputies deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:

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1. Roadblocks should only be used by deputies who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

314.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspects.

314.8 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary deputy should complete appropriate crime/arrest reports.
- (b) The Shift Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Shift Supervisor for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and deputies.

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5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Sheriff or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Sheriff should direct a documented review and analysis of office vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Lieutenant shall make available to all deputies initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to deputies and others.

314.8.2 POLICY REVIEW

Deputies of this office shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

314.8.3 CIVIL LIABILITY RESPONSE

The Risk Assessment Unit may be assigned to work exclusively under the direction of the Department's legal counsel to assist in the preparation of material deemed necessary in anticipation of potential civil litigation.

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.

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 dispatched "Code-3" shall consider the call an emergency response and proceed immediately. 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.

Any call that is not dispatched as Code-3 is a routine call. 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 the Dispatch Center.

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, only one (1) unit should respond to an emergency call Code-3 unless the Watch Commander 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 the Dispatch Center. Generally, only one (1) unit should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, the Dispatch Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether or not one (1) 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 the Dispatch Center. 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.

Custody Deputies who have successfully completed the necessary emergency driving training by this department are authorized to initiate a Code-3 response, however must abide by all requirements in this policy.

Department Search and Rescue personnel who have successfully completed the necessary emergency driving training are authorized to initiate a Code-3 response providing they meet the following:

- (a) Upon receiving authorization or determining a Code-3 response is appropriate, the Incident Commander shall immediately give the location from which units are responding;
- (b) The field supervisor acknowledges the Code-3 response.

316.6 COMMUNICATIONS RESPONSIBILITIES

When a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate Department response is needed, the level of response will be at the discretion of the responding deputy and/or his/her supervisor. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the field supervisor
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., Fire Department 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 field supervisor

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316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander 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 Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- 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 field supervisor or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

Canines

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment law enforcement services to the community. Highly-skilled and -trained teams of handlers and canines have evolved from the program and are used to supplement law enforcement operations. This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

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.

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

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

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

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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 canine is not utilized
- (f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized
- (g) Whether violence or weapons were used or are anticipated.

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.

Generally, canine handlers will evaluate each situation and determine if the use of a canine is warranted and technically feasible. However, any supervisor sufficiently apprised of the situation may decide not to deploy a canine, and a Division Commander or higher (or the Canine Unit Coordinator) may order the deployment of a canine.

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) A narcotic detection-trained canine may be used in accordance with current law under the following circumstances:
 - 1. To assist in the search for narcotics during a search warrant service
 - 2. To obtain a search warrant by using the narcotic detection-trained canine in support of probable cause
 - 3. To search vehicles, buildings, bags, and any other articles deemed necessary
- (b) A narcotic detection-trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

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318.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) The canine handler shall further advise the owner or person in lawful possession of the property that the primary responsibility to re-inhabit or utilize any area, building, vehicle, vessel, aircraft, or article searched by the explosive detection-trained canine shall remain with the owner/occupant or person in lawful possession.
- (b) An explosive detection-trained canine may be used in accordance with current law and:
 - 1. To assist in the search for explosives during a search warrant or at the invitation of the property owner or person in lawful possession;
 - 2. To assist in the investigation of threats by an explosive device;
 - 3. To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
 - 4. To obtain a search warrant by using the explosive detection-trained canine in support of probable cause;
 - 5. To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
 - 6. To search open spaces, buildings, vehicles, vessels, aircraft, and any other articles deemed necessary.
- (c) An explosive detection-trained canine will not be used in the following manner:
 - 1. To search a person for explosives;
 - 2. To utilize when any package has previously been deemed suspicious;
 - 3. To render safe any suspicious article or package.

The handler will not open any article or compartment after the explosive detection-trained canine has indicated the presence of explosives.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

318.2.5 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.

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- (a) Absent a change in circumstances that present an imminent 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.
- (d) Once the individual has been located, the canine should be placed under the handler's control or otherwise secured as soon as it becomes reasonably practicable.

318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the entire incident, including any injuries, will be documented in a manner consistent with the reporting requirements outlined within the Use of Force Policy §300.

Any unintended bite or injury to any person caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be promptly reported to the Unit Coordinator. Unintended bites or injuries caused by the canine should be documented in an administrative report or memorandum.

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift Supervisor and the Canine Unit Coordinator.

Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented in an administrative report or memorandum. If the injury was the result of a suspect's actions, the injury and circumstances will be documented in the offense or arrest report.

318.2.8 ASSIGNMENT OF CANINES

Canine teams may be assigned to any Division within the Department.

When assigned to the Operations Division, canine teams should function primarily as cover units; however, they may be assigned by the field supervisor to other functions based on his/her needs at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods unless absolutely necessary and only with the approval of the field supervisor.

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318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Agency are encouraged to solicit freely the use of the canines. Requests to use a canine team should be coordinated through the field supervisor.

318.3.1 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander or Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander or Shift Sergeant.

318.3.2 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Supervisor or the Unit Coordinator 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.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Santa Barbara County unless authorized by the Shift Supervisor 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.

318.3.3 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Canine Unit Coordinator.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

- (a) Minimum of two (2) years as a full-time peace officer
- (b) Completion of probation as a Santa Barbara County Sheriff's Office deputy
- (c) Reside in an adequately fenced, single-family, residence (minimum five- (5) foot high fence with locking gates)
- (d) Have a secured area or building that will accommodate a canine vehicle

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- (e) Reside within Santa Barbara, Ventura, or San Luis Obispo County limits to allow for timely response to emergency calls
- (f) Agree to be assigned to the position for a minimum of three (3) years
- (g) Agree to devote off-duty time to the care, feeding, grooming, and conditioning of the canine
- (h) Must be in good physical condition
- (i) Willing to accept assignment to any station or facility
- (j) Willing to work varied shifts
- (k) Must be a capable public speaker willing to accept speaking and other public appearance assignments
- (l) Must be willing to perform general law enforcement duties in addition to specialized canine duties

318.5 CANINE HANDLER RESPONSIBILITIES

Canine handlers shall be responsible for, but not limited to, the following:

318.5.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

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.
- (b) The handler shall maintain all issued 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.

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- (c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at a County facility.
- (d) Handlers shall permit the Canine Unit Coordinator 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 Canine Unit Coordinator as soon as possible.
- (f) When off-duty, canines shall be maintained in kennels, provided by the County, 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 Canine Unit Coordinator or Watch Commander.
- (i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Unit Coordinator or Watch Commander.
- (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 Canine 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 inhabitable 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 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the South County Operations Division commander or the authorized designee.

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

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- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities. Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.7 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.

318.7.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Canine Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the field supervisor with timely notification to the Canine Unit Coordinator.

All records of medical treatment shall be maintained in the canine handler's personnel file.

318.7.2 EMERGENCY MEDICAL CARE

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the field supervisor as soon as practicable when emergency medical care is required. If out of the area, the field supervisor will be notified and a licensed veterinarian will be utilized for immediate emergency care. In all instances, the Canine Unit Coordinator shall be notified in a timely manner.

318.8 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines. 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 California Narcotic Canine Association or other recognized and approved certification standards.

The Unit Coordinator 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.

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318.8.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current POST guidelines and the California Narcotic Canine Association 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 agencies canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (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 Santa Barbara County Sheriff's Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Shift Supervisor.

318.8.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association 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.

318.8.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

318.9 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Canine Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Canine Unit Coordinator is directly responsible to the Operations Division Commander. The Canine Unit Coordinator 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.

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318.10 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance and explosive training aids are required to effectively train and maintain the Agencies detection canines. 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 CHP, or a designee thereof, may, in his/her discretion, provide controlled substances in his/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, and
- (b) Provided the controlled substances are no longer needed as criminal evidence, and
- (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

318.10.1 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) The canine handler will prepare a written request for the use of narcotics (types and quantities) for canine training.
- (b) The canine coordinator will provide written approval of the request to the Property/Evidence Officer.
- (c) All necessary controlled substance training samples shall be acquired from the Agencies evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (d) The weight and test results shall be recorded and maintained by the Property/Evidence Officer, even if the drugs came from an allied agency.
- (e) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substance. He/she shall keep records and prepare an Agency follow-up report (using the original case number) regarding any loss of, or damage to, those controlled substances.
- (f) All controlled substance training samples will be exchanged, inspected, weighed and tested annually, or at the conclusion of a canine handler's assignment, or during prolonged periods of absence by the canine handler, or at the discretion of the Canine Unit Coordinator. The results of the annual testing shall be recorded and maintained by the Canine Unit Coordinator with a copy forwarded to the Property/Evidence Officer and the dispensing agency, if different.

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- (g) All controlled substance training samples will be stored in locked boxes at all times, except during training. The locked boxes shall be secured in the canine handler's assigned patrol unit in a separate compartment not available to other persons, or stored in a Agency-approved container. There are no exceptions to this procedure.
- (h) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (i) Any unusable controlled substance training samples shall be returned to the Property and Evidence Bureau or to the dispensing agency.
- (j) 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.
- (k) All controlled substance samples are subject to inspection by any supervisor whenever the handler is on duty.

318.10.2 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)).

318.11 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 12302). Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

- (a) All necessary explosive training samples shall be acquired from an Agency Bomb Squad team member or an authorized dispensing company.
- (b) All explosive training samples shall be examined and weighed prior to dispensing to the individual canine handler, and the results shall be recorded and maintained by the Canine Unit Coordinator.
- (c) Explosives used for training shall consist of a variety of explosive chemicals as determined by the canine handler, canine trainer and Canine Unit Coordinator. Explosive training aids shall consist of not more than one (1) pound quantities and may contain, but are not limited to, the following:
 - 1. RDX, HMX, PETN, Ammonium Nitrate, Nitro Glycerin, emulsions, TNT, Potassium Chlorate, Sodium Chlorate, Black Powder, Smokeless Powder.
- (d) All explosive training samples shall be inspected by the agency's Bomb Squad team annually and released for destruction in a legally-approved manner at the discretion of

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the Bomb Squad team Lieutenant, or no later than 5-years after the date the explosive aid was acquired.

- (e) All explosives will be stored in approved locked boxes or in an approved bunker when not in use. All explosives will be in approved locked boxes in the vehicle trunk during any transport. Explosives will not be stored in any Agency facility normally occupied by persons or within any location prohibited by Alcohol Tobacco Firearms Explosives (ATFE) regulations.
- (f) An Agency Bomb Squad team member and any one or more of the following personnel shall inspect and weigh every explosive training sample at the time of issuance.
 - 1. Criminal Investigations Division Commander
 - 2. Criminal Investigations Division Lieutenant
 - 3. Canine Unit Coordinator.
- (g) Any unusable training sample shall be returned to an Agency Bomb Squad team member for destruction in a legally-approved manner.
- (h) All explosives shall be maintained and stored in compliance with applicable Department of Justice (DOJ) ATFE regulations.
- (i) An inspection of the explosive manifest will be compared quarterly to the explosives maintained by the explosive detection canine handler. The results will be reported to and maintained by the Canine Unit Coordinator.
- (j) Any lost, missing, or stolen explosives will be reported in accordance with DOJ ATFE requirements and also be documented on an Agency OAI report form.

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

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.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Bureau in the event that the injuries later become visible.
- (f) Photographs of crime scene and suspect should be taken regardless of damage or injuries.
- (g) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (h) 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.
- (i) 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)
- (j) 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.
- (k) 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. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

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12. The social status, community status, or professional position 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:
 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.

320.5 VICTIM ASSISTANCE

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

- (a) Victims should be provided with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

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

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.

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 or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

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

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.

320.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701).

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Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 4. Penal Code § 646.9 (stalking)
 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies 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).

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320.10 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

320.11 RECORD-KEEPING AND DATA COLLECTION

This office shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

320.12 SERVICE OF COURT ORDERS

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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1. A deputy should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

320.13 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

320.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

320.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This office should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

Search and 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 Santa Barbara County Sheriff's Office personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

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.

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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:

- (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.

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 Santa Barbara County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

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 the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this office performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.2 POLICY

The Santa Barbara 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 Santa Barbara 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 Santa Barbara County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Shift Supervisor. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the Santa Barbara 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 Supervisor shall be notified of the need for medical attention for the juvenile. Office members should administer first aid as applicable (15 CCR 1142).

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Office members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves 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 Santa Barbara 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 Santa Barbara County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Santa Barbara County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

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 Santa Barbara County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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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). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Santa Barbara County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Office.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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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, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

324.5.1 CONTACT OF SUSPECTED JUVENILE ABUSE VICTIMS

A deputy should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless:

a. Exigent circumstances exist. [It will be incumbent upon the investigating deputy to articulate the basis for any exigency in related reports.] For example:

1. There is a reasonable belief that medical issues need to be addressed immediately; or
2. There is a reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed; or

b. A court order or warrant has been issued. In all circumstances in which a suspected child abuse victim is contacted, it will always be incumbent upon the investigating deputy to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Santa Barbara County Sheriff's Office (15 CCR 1150).
- (c) Shift Supervisor 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 (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Santa Barbara 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).

324.7.1 CURFEW VIOLATIONS

A juvenile detained for curfew violations will be charged with the appropriate Santa Barbara County Ordinance violation(s). The juvenile may be released in the field to his/her parent, legal guardian, or responsible adult, or brought to the station and released to a parent, legal guardian, or responsible adult.

324.7.2 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse. Before taking any minor into protective custody, the deputy should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

a. The child is an abducted child.

b. The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or 278.5.

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Whenever a child is taken into protective custody the deputy shall ensure the minor is either delivered to the appropriate child welfare authority or, unless it reasonably appears that the release would endanger the minor result in abduction, return the minor to a lawful guardian.

Under certain circumstances deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs. Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Santa Barbara County Sheriff's Office shall ensure the following:

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Santa Barbara County Sheriff's Office more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Santa Barbara County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

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- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

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 Santa Barbara County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

324.10 WRITTEN RECORDS OF SECURE AND NON-SECURE DETENTIONS

Each facility that has the capability of securely detaining a minor must record any detention and report the detention to the Department of Corrections and Rehabilitation as follows:

324.10.1 RECORDING DETENTION

- (a) The arresting deputy shall, whenever it becomes necessary to place a minor in secure or non-secure detention, log the detention on the approved Department of Corrections and Rehabilitation Secure Detention of Juveniles Log or Department of Corrections and Rehabilitation Non-Secure Detention of Juveniles Log form.
- (b) Each information box must be completed for each detention:
- (c) The forms should be located in a convenient location for both Patrol and Criminal Investigations personnel.

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324.10.2 REPORTING DETENTION

- (a) One the first work day of each month, the entries on the log(s) will be tallied and entered on the Department of Corrections and Rehabilitation monthly survey report form entitled Monthly Report on the Detention of Minors in Buildings that Contain Lockups/Jails/Temporary Holding Facilities.
- (b) The monthly survey report form will be completed by the Division Commander, Station Commander, or his/her designee and sent either by email or postal service to the Department of Corrections and Rehabilitation.
- (c) Copies of all forms will be maintained at the Divisional level for the completed previous year as well as the current year.
- (d) In addition to the above, each person in charge of a facility which has held juveniles in secure detention must complete and forward an annual report entitled Annual Survey of Law Enforcement Facilities to the Department of Corrections and Rehabilitation.

Instructions to complete the forms are outlined on the back of each Department of Corrections and Rehabilitation form.

324.11 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Santa Barbara 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 Santa Barbara County Sheriff's Office.

324.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

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Members of this office shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

324.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

324.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Santa Barbara County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

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- (a) Immediate notification of the on-duty supervisor, Sheriff, and Criminal Investigations Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County attorney.
- (e) Notification to the coroner.
- (f) Notification 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.

324.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

324.14.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a office facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

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- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

324.15 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in the supervisor's absence, the Shift Supervisor.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Shift Supervisor or the 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

324.16 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Santa Barbara County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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Temporary Custody of Juveniles

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Santa Barbara County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

324.18 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

324.19 TRAINING

Office members should be trained on and familiar with this policy and any supplemental procedures.

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY

The Santa Barbara County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

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328.3.2 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

328.4 RESPONSIBILITIES

This policy applies to all [department/office] personnel. All members shall follow the intent of these guidelines in a manner that reflects [department/office] policy, professional standards, and the best interest of the [Department/Office] and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the HR Manager, or the County Equal Employment Opportunity (EEO) Office.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the HR Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

328.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the HR Manager, the County EEO Office, or Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

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328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Lieutenant, or the County Executive.

328.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

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- (a) Approved by the Sheriff, the County Executive, or the Lieutenant, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the office's established records retention schedule.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff or the County Executive if more appropriate
- Maintained for the period established in the department's records retention schedule

328.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

328.8.1 STATE-REQUIRED TRAINING

The Training Lieutenant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Lieutenant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

328.8.2 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

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328.9 WORKING CONDITIONS

The Operations Support Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

328.10 REQUIRED POSTERS

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

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 Santa Barbara 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 Santa Barbara 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 office. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

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.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

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, office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

330.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

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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 the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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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.

330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

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.

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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).

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:

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- (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 Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

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

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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 office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

330.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

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 § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

332.2 POLICY

The Santa Barbara County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Santa Barbara County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Office report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form

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- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

332.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) 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:
 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).

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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 his/her 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 member 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.

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member 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 § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

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- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Bureau.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 DETECTIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner Unit.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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 relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

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 is a resident of Santa Barbara County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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.

334.1.1 OVERVIEW

The AMBER Alert (America's Missing: Broadcast Emergency Response Alert) Program was mandated in 2002 by California Assembly Bill AB 415 and is outlined in Government Code § 8594. The AMBER Alert Program combines several different methods of quickly disseminating to the public concerning an abducted child. These methods include the use of the Emergency Alert System, CLETS, the changeable electronic highway signs, TRAK, and other means of widespread information sharing.

Under the AMBER Alert concept, law enforcement agencies employ the assistance of local radio and television stations to interrupt normal programming with emergency bulletins regarding child abductions. The bulletins are relayed from law enforcement to the media via the Emergency Alert System (EAS) and the Emergency Digital Information Service (EDIS). EAS is a federal system used to alert the public of severe weather conditions and civil emergencies and is characterized by special alert tones broadcast on the radio and television. EDIS is a system under the Governor's Office of Emergency Services in which agencies can broadcast newswire-style bulletins, images, and audio files regarding child abduction cases to the media and the public via CLETS.

Radio and television stations voluntarily participate in the broadcasting of EAS and EDIS messages, including AMBER Alerts; there is no law requiring them to broadcast messages. Therefore, a cooperative relationship between law enforcement and the media is necessary. This is accomplished through Local Emergency Communications Committees (LECC) established by the FCC throughout the State, which are comprised of media and emergency management representatives who establish local agreements regarding the broadcasting of EAS and EDIS messages. Santa Barbara County is a designated LECC area and has an active LECC Committee.

EAS messages are actual voice recordings that are sent to a pre-designated Local Primary Radio Station (LP-1) within each LECC area via a special terminal. The LP-1 then relays the message to EAS terminals of radio and television stations within the LECC area. In Santa Barbara County, the Emergency Management Services (EMS) personnel shall be responsible for initiating AMBER Alert EAS messages to our LP-1 within the County. The EAS message can also be transmitted to multiple LECC areas (multi-regional) or statewide via the CHP.

The EDIS System allows law enforcement agencies to send an AMBER Alert Be-On-The-Lookout (BOLO) teletype message to all California law enforcement agencies and the media via CLETS. The message is automatically relayed through EDIS to media outlets. There is an accompanying OES EDIS web site where the law enforcement agency can create posters containing photos and sketches which are automatically relayed to the same media outlets.

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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 MEMBER RESPONSIBILITIES

Members of the Santa Barbara County Sheriff's Office should notify their supervisor, Shift Supervisor, or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, 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

334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.

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- (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)

334.4.3 SAMPLE AMBER ALERT EAS MESSAGE

THE SANTA BARBARA COUNTY SHERIFF'S DEPARTMENT IS INITIATING A CHILD ABDUCTION ALERT. JAMIE SMITH, 9 YEARS OLD, WHITE FEMALE, BLONDE HAIR, BLUE EYES, 4' TALL, WEIGHING 85 POUNDS, WAS LAST SEEN WEARING A RED TOP AND BLACK PANTS. SUSPECT IS A WHITE MALE, APPROXIMATELY 25-35 YEARS OLD, BROWN HAIR, WITH A SHORT BEARD AND MUSTACHE. HE IS DRIVING A SILVER SUV AND WAS LAST SEEN HEADING NORTH TOWARDS U.S. 101 FROM THE SANTA BARBARA AREA. IF

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YOU HAVE ANY INFORMATION REGARDING THIS ABDUCTION, PLEASE CALL THE SANTA BARBARA COUNTY SHERIFF'S DEPARTMENT AT (805) 692-5744 IMMEDIATELY.

334.4.4 SAMPLE EDIS FLASH MESSAGE

E 001 4500

EDIS FLASH

SUBJECT: CHILD ABDUCTION ALERT (COUNTY OF SANTA BARBARA)

REQUEST MEDIA BROADCASTS IMMEDIATELY

THE SANTA BARBARA COUNTY SHERIFF'S OFFICE IS INITIATING A CHILD ABDUCTION ALERT. WE ARE REQUESTING THE PUBLIC'S ASSISTANCE IN LOCATING A 9-YEAR OLD WHITE FEMALE. HER NAME IS JAMIE SMITH. SHE HAS BLONDE HAIR, BLUE EYES, IS 4' TALL, AND WEIGHS 85 POUNDS. SHE WAS LAST SEEN WEARING A RED TOP AND BLACK PANTS. LAW ENFORCEMENT BELIEVES SHE WAS ABDUCTED BY A WHITE MALE, APPROXIMATELY 25 TO 35 YEARS OLD, BROWN HAIR, WITH A SHORT BEARD AND MUSTACHE. HE IS DRIVING A SILVER SUV AND WAS LAST SEEN HEADING NORTH TOWARDS U.S. 101 FROM THE SANTA BARBARA AREA. IF YOU HAVE ANY INFORMATION, PLEASE CALL THE SANTA BARBARA COUNTY SHERIFF'S OFFICE AT (805) 692-5744 IMMEDIATELY.

CONTACT DETECTIVE SERGEANT (INSERT NAME HERE), SANTA BARBARA COUNTY SHERIFF'S OFFICE AT (805) 681-4200 FOR FURTHER INFORMATION.

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.
- (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:

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- (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 Office 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, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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, developmentally disabled or cognitively impaired.
- (b) The office has utilized all available local resources.
- (c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that

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the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

334.7 CASES NOT MEETING AMBER ALERT CRITERIA

EAS should be activated only in those child abduction cases meeting the mandatory AMBER Alert criteria. In cases that do not meet these criteria, agencies should continue to exercise discretion in determining which of the many other tools available would be the most appropriate for transmitting information and photos to other officers, the media, and the public.

Agencies can still notify the media of such cases by using other standard news procedures, such as press releases or phone contact, or by transmitting an EDIS bulletin via CLETS, using priority level lower than FLASH, such as URGENT or NEWS. (For more information on these priority levels, contact the EDIS web site at www.edis.ca.gov.)

334.8 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Shift Supervisor 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 Supervisor of the incident and the request for assistance. The Shift Supervisor will provide 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 Supervisor.
- (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 office.

The Santa Barbara County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff's Department emergency communications facility 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 facility.

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334.9 YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

334.9.1 CRITERIA FOR YELLOW ALERTS

All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- (b) It is likely the suspect may be seen on a state highway.
- (c) There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
 - 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
 - 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
 - 3. The identity of the suspect
- (d) Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

334.9.2 PROCEDURE FOR YELLOW ALERT

Responsibility to initiate a Yellow Alert falls to the Sheriff's Major Accident Response Team (SMART) investigating the hit-and-run accident. Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15). A member of SMART will contact the California Highway Patrol's Emergency Notification and Tactical Alert Center (ENTAC) at (916) 843-4199 or via e-mail at entac@chp.ca.gov to initiate a Yellow Alert.

334.10 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

334.11

334.11.1

334.11.2

334.12 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

334.12.1 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

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334.12.2 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Office has utilized local and tribal resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.13 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

334.13.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Office has utilized all available local resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.13.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

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334.14 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

334.14.1 CRITERIA FOR EBONY ALERT

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Office has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.14.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Santa Barbara County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Santa Barbara 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 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Office to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Santa Barbara County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Santa Barbara County Sheriff's Office jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Office, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

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 restitution but may direct him/her to the proper written office material or available victim resources.

336.4.1 VICTIMS OF HUMAN TRAFFICKING

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

336.5 VICTIM INFORMATION

The Operations Support Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.

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- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the deputy's name, body number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

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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338.1 RECORDS

Criminal Records Bureau personnel shall ensure that any mandatory state or federal reporting requirements are met.

338.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Santa Barbara County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

338.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception

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is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

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- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family

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- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

338.3 POLICY

It is the policy of this office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

338.4 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

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338.4.1 HATE CRIMES COORDINATOR

A office member appointed by the Sheriff or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the office's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Lieutenant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to deputies in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the office website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the office Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
- (m) Maintaining the office's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

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- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:
 - 1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
 - 2. Analysis of the office's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

338.4.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

338.5 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

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338.5.1 INITIAL RESPONSE

First responding deputies should know the role of all office personnel as they relate to the office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

338.5.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 1. Identity of suspected perpetrators.

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2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

338.5.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
1. Expressing the office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.

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3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a office chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

338.5.4 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime is assigned to the Detective Bureau, the assigned detective will be responsible for the following:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Bureau Policy.
- (d) Make reasonable efforts to identify additional witnesses.

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- (e) Utilize available criminal intelligence systems as appropriate (See Criminal Organizations Policy).
- (f) Provide the supervisor and Public Information Officer (PIO) with information that can be responsibly reported to the media.
- (g) When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

338.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Santa Barbara County Sheriff's Office and are expected of all Agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Agency or a member's supervisors.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this Agency 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.

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

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 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any [department/office] supervisor or person in a position of authority, absent a reasonable and bona fide justification.

- (a) Unlawful or conflicting orders: Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the

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earlier order. No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Agency policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 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 Agency within 72 hours of any change in residential address, phone numbers, or emergency contact information.

340.3.3 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 Agency resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

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- (f) Failure of any employee to promptly and fully report activities on his/her 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 Agency in any way that could reasonably be perceived as an attempt to gain influence or authority for non-departmental business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Agency for personal or financial gain or without the expressed authorization of the Sheriff or his/her designee may result in criminal prosecution and/or discipline under this policy (Penal Code § 146g).
- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Agency.
- (l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of 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.
- (n) Failure of any employee to conduct himself/herself in a manner that will foster the greatest harmony and cooperation among others and divisions and units of the Agency.
- (o) Recommending or suggesting to anyone the employment or name of any person, firm, or corporation as attorney, counsel, or bondsman except that nothing herein shall be construed as restricting the rights of a member of the Agency in connection with administration of his/her private affairs.
- (p) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Agency.
- (q) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

340.3.4 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.

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340.3.5 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 attempt to bring controlled substance or other illegal drug to any work site.

340.3.6 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carryout 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 that disrupts the efficiency of the Agency or subverts the good order, efficiency and discipline of the Agency or which would tend to discredit any member thereof. This section does not apply to any lawfully protected speech or activity.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Agency 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 Agency record, book, paper or document.

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- (j) Wrongfully loaning, selling, giving away or appropriating any Agency property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other Agency 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 Agency manual, operating procedures or other written directive of an authorized supervisor. The Agency 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 Agency property, services or the property of others, or the unauthorized removal or possession of Agency 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 Agency practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a Agency 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 Agency.
- (s) Substantiated, active, continuing association with or membership in documented criminal outlaw motorcycle gangs with knowledge thereof, except as specifically directed and authorized by the Agency.
- (t) Offer or acceptance of a bribe or gratuity.
- (u) Misappropriation or misuse of public funds.
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on Agency premises; at any work site; while on-duty or while in uniform; or while using any Agency 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.
- (x) 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

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have knowledge of such criminal activities, except where specifically directed and authorized by the Agency.

- (y) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Agency property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (aa) Violating any misdemeanor or felony statute.
- (ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Agency or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Agency or its members.
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ae) 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 Agency-related business.

340.3.7 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Agency 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) 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.

340.3.8 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms, or reports.
- (b) SECURITY OF CUSTODY FACILITIES - Deputies shall not place weapons or objects adaptable for use as weapons and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended in any location of a Agency building normally accessible to a prisoner or suspect.
 - 1. No deputy shall knowingly commit or omit any act that results in the escape of any prisoner or suspect or which compromises the security of the facility or safety of a deputy or inmate.

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2. Deputies shall not lose or misplace cell or security keys that they have used in the performance of their duties.
3. Deputies shall only use those weapons which have been authorized by the Agency when quelling disturbances in a County correctional facility.
4. No employee shall leave his/her assigned security post without the permission of his/her supervisor or officer in charge, except in cases of emergency.

340.3.9 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this Agency 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/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 (1) year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a request to his/her Chief Deputy within ten (10) days of receipt of the written reprimand.

The employee will be provided with an opportunity to meet with his/her Chief Deputy within thirty (30) days to discuss the proposed letter of reprimand and the events that rise to the proposed letter of reprimand. In extenuating circumstances, the Chief Deputy may defer responsibility for conducting this meeting to the Undersheriff or Sheriff. The decision of the Chief Deputy to sustain, modify, or dismiss the written reprimand shall be considered final, with the approval of the Sheriff.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander of the involved employee shall review the entire, completed Administrative Investigation file and any other relevant material.

The Division Commander, Chief Deputy, or Undersheriff may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed. The file will then be reviewed, with the same stipulations, by the Chief Deputy and Undersheriff.

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- (a) Prior to forwarding recommendations to the Sheriff or his/her designee, the Division Commander, Chief Deputy, or Undersheriff may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Sheriff or his/her designee, the Division Commander shall include all relevant materials supporting the recommendation. (Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.)

340.5.2 RESPONSIBILITIES OF THE SHERIFF

Upon receipt of any written recommendation for disciplinary action, the Sheriff or his/her designee shall review the recommendation and all accompanying materials.

The Sheriff or his/her designee may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff or his/her designee is satisfied that no further investigation or action is required by staff, the Sheriff or his/her designee shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Sheriff or his/her designee shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count
- (b) A separate recommendation of proposed discipline for each charge
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff or his/her designee in recommending the proposed discipline
- (d) An opportunity to respond orally or in writing to the Sheriff or his/her designee within five (5) days of receiving the Skelly notice
 1. Upon a showing of good cause by the employee, the Sheriff or his/her designee may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation shall be recorded by the Agency. Upon request, the employee shall be provided with a copy of the recording.

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.

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- (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 issues 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. Once the Sheriff determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, 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 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.

340.8 POST SKELLY PROCEDURE

In situations in which the imposed discipline amounts to a written reprimand, the employee's right to appeal shall be limited to the aforementioned *Skelly* process with the Sheriff.

In situations resulting in the imposition of a suspension, punitive transfer, demotion, or 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) or collective bargaining agreement and personnel rules.

When the Sheriff orders an employee to be suspended, demoted, or dismissed from service, the Professional Standards Unit sergeant shall prepare the proposed notice of suspension, demotion, or dismissal to the employee. This notification shall be delivered to the employee by the Professional Standards Unit sergeant or his/her designee. To coincide with the appeal period, the Professional Standards Unit sergeant shall prepare the actual order of suspension, demotion,

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or dismissal, which shall be delivered by the Professional Standards Unit sergeant as specified above. Two (2) copies of the notification and the actual Order of Discipline will be forwarded to the Department's Human Resources Bureau; one will be for the Department personnel file and the other will be for the County Human Resources file.

Should the Final Notice of Discipline include a suspension, a notice of suspension will be sent to the Division Commander of the affected employee by the Human Resources Bureau sergeant. This notice will include the length of suspension and when this suspension is to be completed.

During any post-Skelly administrative appeal, evidence that a deputy has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of penalty. (Government Code § 3305.5).

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.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.
- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his/her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff.

Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

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 Santa Barbara 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.

342.2.1 POLICY

It is the policy of the Santa Barbara County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the [Department/Office] in a professional manner and in accordance with this policy.

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any Department computer, or through the Department computer system on any other computer, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Departmental use without the expressed authorization of an employee's supervisor.

Access to Department technology resources including Internet access 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.

An Internet site containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography,

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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.

342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office computer system.

The Office reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

The Office shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

342.4

342.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

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It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

342.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any Office policy, a request of disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the Office computer system when requested by a supervisor or during the course of regular duties that require such information.

342.7 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 malware 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 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.

342.8 INSTALLATION OF HARDWARE

No computer or other piece of hardware shall be connected to the network without the approval of S&T. This includes, but is not limited to, laptop computers, PDA's, and wireless devices.

342.9 PASSWORDS

All employee passwords are for authorized use by the employee only. Passwords are not to be released or shared with another person or employee. In the event an employee becomes aware that another person has knowledge of his/her password, he/she shall immediately notify S&T by a memorandum signed by both the employee and his/her supervisor. An S&T staff member will then change the password and provide a temporary password to the employee. The next time the employee logs in using the temporary password they will be instructed to change their password.

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 office approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Use of force against any person by department personnel, as required within Policy 300.4.
- (b) Any firearm discharge (see the Firearms Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (d) Any found property or found evidence
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

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- (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 office shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident 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 Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

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. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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 office 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.

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344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the original report to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

Online Reporting System

345.1 PURPOSE AND SCOPE

It is the policy of the Santa Barbara County Sheriff's Office to provide online reporting services to the communities we serve. This policy establishes guidelines and procedures to determine when the online reporting system will be used and to outline the procedures for review of online reports.

345.2 POLICY

The Santa Barbara County Sheriff's Office will respond to in-progress incidents and all crimes with evidence or information that may lead to the identity and apprehension of a suspect, or situations where the crime recently occurred and there is a likelihood the suspect may still be in the area. Deputies who are contacted by members of the public who wish to file an "in-person" report should refrain from referring the person to the online reporting system.

The following crimes and reports may be referred to the online reporting system:

- (a) All petty thefts, including from unlocked cars, without suspect information when the property value is under \$950, excluding firearms and materials threatening to public safety, i.e., explosives or highly toxic substances. Grand Thefts may also be filed if the victim is seeking documentation only and does not want prosecution. Thefts over \$950 should be reviewed by a supervisor to determine if further investigation is required.
- (b) Vandalism without suspect information, which is not associated with a hate crime or school.
- (c) Annoying telephone calls / scams.
- (d) Lost property reports.
- (e) Trespassing with no further leads.
- (f) Identity theft / Fraud
- (g) Civil complaints when it is apparent no crime occurred.
- (h) Animal complaints.
- (i) Vacation check request.
- (j) Vandalism / Graffiti
- (k) Supplements to previously reported crimes and incidents

Nothing in this policy negates the ability of the shift supervisor to determine that a deputy should respond in person instead of offering online reporting.

345.3 DISPATCH/ OFFICE STAFF RESPONSIBILITIES

Online reporting provides an opportunity for community members to file crime reports at a time and place that is most convenient to them, while simultaneously freeing up patrol resources for other purposes. However, community members who wish to file reports by conventional means should not be pressured to file an online report. When Dispatch or office staff personnel receive a call from a citizen wishing to report an incident or a crime, that employee will determine if the

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call meets the above noted eligibility requirements for the submission of an online report. If so, the employee should:

- (a) Determine if the citizen has internet access.
- (b) Verify the report qualifies for online reporting by meeting the following criteria:
 - 1. Reporting party is 18 years or older
 - 2. The crime or incident occurred within the Sheriff's Office jurisdiction
 - 3. The reporting party has an email address (required)
 - 4. The incident is not in-progress
 - 5. No known suspect information or evidence that can lead to the identity of the suspect is available
 - 6. The crime does not involve threats with a weapon
 - 7. The crime does not meet the criteria for PC459 - Burglary, including burglaries of locked vehicles
- (c) Inform the caller that the online report system allows them to file the report immediately, receive a case number and print a copy of the report free of charge.
- (d) Advise the caller of the Santa Barbara County Sheriff's Office website address sbsheriff.org, which will guide them through the steps of filing a report.

If the employee determines the call is not suitable for online reporting based on the listed criteria; they will prioritize the call and dispatch a deputy to take a report. The dispatcher or employee will make a notation in the CAD detail indicating the reason online reporting is not appropriate.

345.4 REVIEWING OF REPORTS SUBMITTED ONLINE

The area supervisor or his/her designee will access the online reporting system on a daily basis and review queued online reports within his/her area of responsibility. Once approved, reviewed reports will be processed according to established procedures. Before approving an online report, supervisors will:

- (a) Determine if the online report is misclassified. If the report is misclassified, the reviewer will classify the report according to the elements of the offense described by the community member who authored the online report. An example would be a situation wherein a community member files a vandalism report instead of a theft from automobile.
- (b) If the supervisor has questions about the content submitted by the community member, the reviewer/ or designee should attempt to contact the reporting party by telephone prior to rejecting the report and assist the community member in making the necessary corrections to the online report.
 - 1. The reviewer will refrain from making grammatical corrections to online reports unless they are minor in nature.

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- (c) Determine if the online report needs further investigation. If further investigation is required, the supervisor should either assign the investigation to a deputy under their command or forward the report to detectives for review/ follow up.
- (d) The reviewer should reject a report when, in the reasonable judgement of the employee, circumstances indicate an investigation is warranted. In this circumstance, the reviewer will state in the rejection box that the report does not qualify for online reporting, and further investigation is required.
 - 1. If the reviewer rejects a report, the reason for rejection will be appropriately and professionally noted in the online reporting system rejection field/ box, which is sent via email to the community member that filed the report and a duplicate to a department storage mailbox.
- (e) The Records supervisor or designee will conduct periodic audits to ensure reports are transferred into the Sheriff's Records Management System (RMS) in a timely manner.

Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official office information to the media. It also addresses coordinating 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. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift Supervisors, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

346.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

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 neither be disclosed to the media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving an exception the Sheriff will consider, at minimum,

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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.

346.3.2 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

346.3.3 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

346.4 NEWS CONFERENCE

No member of the Department shall call a news conference without the express consent of the Sheriff.

346.5 ROLE OF THE PIO

The PIO has the authority to speak on behalf of the Sheriff on all matters involving the Department. The PIO ensures the timely and adequate release and dissemination of factual information to the public as prescribed in the PURPOSE statement. The PIO consults and advises the Sheriff on significant issues. The PIO is responsible for arranging media interviews and news conferences, responding to major incidents to both support Department personnel and assist news media, and assisting Department personnel in interpreting media policy. The PIO is responsible for training Department personnel regarding media issues.

Certain types of information are released ONLY by the PIO or the Sheriff; i.e., information relating to Internal Affairs investigations, officer-involved shootings, pending civil matters, statements that are operationally or politically sensitive, and disciplinary matters involving Department employees. The PIO ensures statistical information is correct before its release.

346.6 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

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346.7 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of office members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

346.8 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this office make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

346.9 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

346.9.1 EMPLOYEE INFORMATION

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Supervisor or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

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346.10 RELEASE OF INFORMATION

The Office may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the office website or other electronic data sources.

346.10.1 INFORMATION LOG

The Office will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Supervisor.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Shift Supervisor (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated office media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Santa Barbara County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

Santa Barbara County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

348.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Santa Barbara County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Santa Barbara County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

348.3.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

348.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

348.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

348.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Deputies

350.1 PURPOSE AND SCOPE

The Santa Barbara County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn bureau deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

350.2 SELECTION AND APPOINTMENT OF RESERVE DEPUTIES

The Santa Barbara 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 bureau 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 extended basic academy.

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.

The Department appoints only two (2) levels of Reserve Deputies: Level I and Level II. Each level is defined as:

(a) Level I Reserve Deputies who have completed the basic training required by Penal Code § 832.6. A Level I Reserve who has completed the Field Training Officer Program may work alone.

(b) Level II Reserve Deputies who have completed the training required by Penal Code § 832 and POST. A Level II Reserve shall work under the immediate supervision of a deputy who has completed the basic academy.

350.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation.

350.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this Department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a custody deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the

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Sheriff's Human Resources Bureau prior to an employee serving in a reserve or volunteer capacity (29 Code of Federal Regulations 553.30).

350.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment Law Enforcement Operations or Court Services. Reserve deputies may be assigned to other areas within the Department, as needed. Reserve deputies are required to work a minimum of 16 hours per month.

350.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all Department 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, the following:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve callout 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

350.4 FIELD TRAINING

All Reserve Deputies shall successfully complete the Department's POST-approved Field Training Officer Program. Level I Reserves will not work alone until they complete the program.

350.4.1 TRAINING OFFICERS

Deputies of this Department, who demonstrate a desire and ability to train reserve deputies, may train Level II reserves deputies subject to field supervisor approval.

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Reserve Deputies

350.4.2 PRIMARY TRAINING OFFICER

Each new reserve 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 Department. The reserve 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.

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). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator upon successful completion of the FTO Program.

350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator, 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.

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.

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.

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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, except designated Level I reserve deputies, 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.

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.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

350.8 CONTINUING PROFESSIONAL TRAINING

All reserve deputies will meet the same continuing professional training standards as regular deputies.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The Department may be requested to assist other agencies by taking persons into custody or detaining them. The Department may also request an outside agency to provide assistance. Our policy is to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of the Department.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Watch Commander's office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Department personnel. Probation violators temporarily detained by this Department will not ordinarily be booked at this Department.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Santa Barbara County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.2 POLICY

It is the policy of the Santa Barbara 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. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

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 (Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Santa Barbara County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Santa Barbara County Sheriff's Office's website. Information on sex registrants placed on the Santa Barbara County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

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:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Santa Barbara County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 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
- Traffic accidents with fatalities, or where a fatality is likely to occur
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Injury to employee requiring medical treatment or death of employee - on or off-duty
- Death of a prominent official
- Arrest of a Department employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Large scale emergencies, i.e. large scale natural disasters

358.4 WATCH COMMANDER RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Supervisor shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers. The Shift Supervisor role will be preformed by the Watch Supervisor if no designated Shift Supervisor is on duty.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Sheriff shall be notified via the chain of command of the affected division. If one member of the chain of command cannot

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Major Incident Notification

be reached within a reasonable timeframe the person attempting notification will notify the next rank within the chain of command.

358.4.2 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.

358.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant and the affected Station Lieutenant.

358.4.4 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.

Death Investigation

360.1 PURPOSE AND SCOPE

The Department's Coroner operations and procedures are defined within the Department Manual of Policy and Procedures for the Coroner's Office. That document continues to define Coroner's operations for the Patrol Division and Coroner's Bureau personnel. The purpose of this Policy Manual is not to amend or modify the Coroner's Manual but to clarify and more clearly define specific duties and responsibilities of units within the organization relative to Coroner's investigations.

360.2 INVESTIGATION CONSIDERATIONS

Law Enforcement personnel have the authority to determine death. A person is to be determined dead based on the following criteria:

- (a) The person has suffered any of the following:
 - 1. Decapitation
 - 2. Decomposition
 - 3. Incineration
- (b) The person demonstrates:
 - 1. Postmortem lividity
 - 2. Rigor Mortis
 - 3. Evisceration of heart or brain and no sign of life is noted on the following assessment:
 - (a) Open airway and check respirations for one (1) minute
 - (b) Palpate for a carotid pulse
 - (c) Check pupillary response with a strong light
 - (d) Evaluate response to pain

If any question exists, paramedics should be called to evaluate the decedent.

360.2.1 CORONER REQUEST

California 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.);

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- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, in the twenty (20) days before death (Health & Safety Code § 1746(g));
- (c) Deaths related to or following known or suspected self-induced or criminal abortion;
- (d) Known or suspected homicide, suicide, or accidental poisoning;
- (e) Deaths known or suspected resulting in whole or in part from or related to accident or injury either old or recent;
- (f) Deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome (SIDS);
- (g) Death in whole or in part occasioned by criminal means;
- (h) Deaths associated with a known or alleged rape or crime against nature;
- (i) Deaths in prison or while under sentence, including all in-custody and Custody Operations involved deaths;
- (j) Deaths known or suspected due to contagious disease and constituting a public hazard;
- (k) Deaths from occupational diseases or occupational hazards;
- (l) Deaths of patients in state mental hospitals serving the mentally disabled and operated by the State Department of Mental Health;
- (m) Deaths of patients in state hospitals serving the developmentally disabled and operated by the State Department of Developmental Services;
- (n) Deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another;
- (o) Deaths reported by physicians or other persons having knowledge of death for inquiry by the Coroner.

Inquiry pursuant to this section does not include those investigative functions usually performed by other law enforcement agencies.

360.2.2 INITIAL INVESTIGATION REQUIREMENT

Santa Barbara County operates as a Sheriff/Coroner county in which the County Sheriff is also the County Coroner. Therefore, all Deputy Sheriffs are also Deputy Coroners. Patrol deputies and supervisors will be called upon to handle routine death investigations during the Coroner's Bureau off-duty hours and if the Coroner's Bureau is unavailable. A Deputy Coroner performing a routine death investigation shall be familiar with the Coroner's Manual and shall follow all procedures and guidelines.

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- (a) The Patrol Division of the agency having jurisdiction will typically handle the initial response to a death investigation. That agency will then typically contact the Dispatch Center to request a Coroner's response. For death investigations in areas where the Sheriff has primary Law Enforcement jurisdiction, a patrol deputy should first respond to the scene and collect the basic facts relating to the death. During Coroner's Bureau normal duty hours, the Coroner's Bureau should be notified of the death. A Coroner's detective will respond to take over the investigation subject to availability and workload. A Coroner's detective may request additional assistance from the patrol deputy. In Coroner cases handled by patrol, the field supervisor shall be notified of the death by the Dispatch Center and may respond to the scene for an evaluation and possible assistance to the investigating patrol deputy.
- (b) Patrol deputies acting as Coroner's investigators shall respond to the death scene and shall complete a visual inspection of the scene and the body prior to removal. After removal to a mortuary or Coroner's facility, a complete visual examination of the body shall be conducted by the deputy, including the removal of all clothing, jewelry, and other valuables.
- (c) In death investigations handled by a patrol deputy that are determined to fall within the jurisdiction of the Coroner to investigate, that deputy shall complete a Coroner's Report which shall contain all pertinent information relative to what was observed, what was done, and what was collected as evidence or property for safekeeping. If a patrol deputy determines that a death does not fall under the jurisdiction of the Coroner to investigate, that deputy shall complete a Non-Coroner's Report which shall contain a brief summary of the investigation and why it was determined to be a "Non-Coroner's" case.
- (d) In those areas within the County where the Sheriff has primary law enforcement responsibility, a patrol supervisor, after evaluating the scene or information available, may contact the Criminal Investigations Division Lieutenant in his area or a Criminal Investigations Division Sergeant when, in his/her opinion, circumstances or information available tends to substantiate that an independent criminal investigation is warranted. A Criminal Investigations Division Lieutenant shall be notified in the following death cases:
 - 1. Homicide
 - 2. Jail or in-custody death
 - 3. Suspicious death with the possibility of foul play or unusual circumstances
 - 4. Any case where the Sheriff has been officially requested and has consented to conduct an investigation

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- (a) Notification of the Criminal Investigations Division Lieutenant or Sergeant need not be limited to the cases mentioned but may extend to any death case of concern to the field supervisor.
- (e) In those cases where the Criminal Investigations Division detectives assume the responsibility for the investigation, Patrol and/or the Dispatch Center are directed not to make further contacts of other investigative units (Coroner's or Forensics) unless specifically requested by the Criminal Investigations Division personnel.
- (f) A patrol supervisor or deputy may contact a Coroner's detective at anytime for information or advice relative to a death investigation.
- (g) Personnel from the Coroner's Bureau will respond to death investigations of the following nature:
 - (a) Every case where the cause of death is suspected to be Sudden Infant Death Syndrome (SIDS);
 - (b) Law enforcement pursuits resulting in death;
 - (c) Employee-involved traffic collisions resulting in death;
 - (d) Every case where the decedent was in custody at the time of his/her death;
 - (e) Deaths of current or retired Department employees when the death falls within the guidelines of Government Code § 27491.

360.2.3 DEATH NOTIFICATION

When practical, 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 outside of Santa Barbara County, the law enforcement agency or respective Coroner/Medical Examiner's Office having jurisdiction shall be requested to make the personal notification. Out-of-state notification can be made via telephone to another agency; however, a teletype must also be sent and a return teletype requested to confirm the notification.

The military is the legal next of kin if the decedent is active-duty military personnel.

360.2.4 CRIMINAL INVESTIGATION REQUIREMENT

- (a) "Criminal Investigations Detectives" shall refer to the investigators of the Criminal Investigations Division, assigned county wide, as indicated by the geographical location of the subject incident.
- (b) In the unincorporated areas of the County, or in those areas where the Sheriff exercises primary law enforcement responsibilities, the Criminal Investigations Detective Unit shall receive and evaluate and become responsible for a course of action in each of the following cases:
 - 1. Homicide

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2. Jail or in-custody death
 3. Suspicious death with possibility of foul play or unusual circumstances
 4. Any case where the Sheriff has been officially requested and has consented to conduct an investigation
- (c) In cases, other than the four (4) types listed above, the Criminal Investigations Division Lieutenant or Sergeant, after an evaluation of the information, may or may not choose to respond to the scene and take over the investigation.
- (d) Any jail-related or in-custody death shall require a response to the scene, and the investigation shall be assumed by the Criminal Investigations Division Detective Unit in conjunction with the Department Administrative Investigation Team. If it is determined that the death is not suspicious or criminal in nature, the Department Administrative Investigation Team shall handle the investigation.
- (e) The Criminal Investigations Division supervisor and/or detective will request assistance from other supporting units; e.g., Coroner and Forensics Bureaus, as needed, being mindful that the timeliness of their intervention may have an effect on the course of the investigation.

360.2.5 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this Department 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 (Title 8, California Code of Regulations, § 342(b)).

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, a deputy 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, a deputy 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/she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, a deputy 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) A deputy should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) A deputy should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate detective for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

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, a deputy 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/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.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
 1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

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.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency per Federal law (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 Santa Barbara 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 Santa Barbara 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, a Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Santa Barbara County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Communications Manager. 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:

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- (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

Santa Barbara County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

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.

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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.
- (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.

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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 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 Santa Barbara County Sheriff's Office will take reasonable steps and will work with the Human Resources Bureau 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 the Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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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, 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.

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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.

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.

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The Training Lieutenant 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 Lieutenant 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 Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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 - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the Santa Barbara 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 Santa Barbara 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.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Communications Manager. 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.

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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).

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 Santa Barbara 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

Santa Barbara 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.

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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.
- (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.

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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.
- (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.

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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.
- (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.

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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.

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.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Lieutenant 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 Lieutenant 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 the Dispatch Center 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.

Mandatory Employer Notification

372.1 POLICY

The Santa Barbara County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or

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for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

372.3 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.

372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Biological 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 Santa Barbara 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

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Biological Samples

with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

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 Office for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

374.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

374.6.1 DOCUMENTATION RELATED TO FORCE

The Shift Supervisor or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

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.

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Biological Samples

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)).

374.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this office is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Risk Assessment Unit

375.1 PURPOSE AND SCOPE

The Administrative Investigations Team has been established to provide specialized support in civil liability investigations

375.2 TEAM COMPOSITION

The Administrative Investigations Team will be comprised of the Sheriff's Commander in charge of civil litigation matters, two (2) Sheriff's Lieutenants, two (2) Custody Deputy Lieutenants, six (6) Deputy Investigators, six (6) Custody Deputy Investigators, and a member of County Counsel. The Sheriff may appoint additional members to the Administrative Investigations Team at his/her discretion. Members of the Administrative Investigations Team, other than County Counsel, shall be selected and/or removed from the Administrative Investigations Team at the discretion of the Sheriff or Undersheriff.

375.3 ACTIVATION

The Administrative Investigations Team shall be activated by the Sheriff or, in his absence, the Undersheriff or his/her designee. Any Division Commander or County Counsel member may request a Administrative Investigations Team investigation. Activation of the Administrative Investigations Team shall occur as a team investigating an incident for civil litigation purposes under the direction of County Counsel.

375.4 DUTIES

The Administrative Investigations Team may be deployed to conduct a civil litigation investigation of the following types of incidents:

- a. Accidental or intentional discharge of a firearm, whether the employee is on or off duty, when there is injury or significant damage to a third party's property (Deadly Force Review § 302.2 and / or Officer-Involved Shooting § 310.3);
- b. Pursuits resulting in death or serious injuries (Vehicle Pursuit § 314.81);
- c. Employee-involved traffic collisions resulting in death or serious injuries (Traffic Collision Reporting § 502.42);
- d. In-custody deaths and serious injuries;
- e. Incidents identified by Risk Management, in conjunction with Executive Staff, where a liability claim is anticipated and a settlement claim is possible
- f. Other incidents as identified by the Sheriff, Undersheriff or designee.

375.5 INVESTIGATIONS AND REPORTS

The Administrative Investigations Team will conduct those investigations as provided for in this policy. Investigations will be conducted for purposes of civil litigation. Investigations conducted by the Administrative Investigations Team are for non-criminal purposes and shall be strictly

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Risk Assessment Unit

considered attorney client work product. If, during the course of its investigation, the Administrative Investigations Team determines that criminal activity may have occurred, a referral shall be made to the Executive Staff for the criminal investigation while the Administrative Investigations Team continues with its independent civil liability investigation. Similarly, if it appears a policy or training concern is pertinent, a referral to Executive Staff shall be made for disposition.

The Administrative Investigations Team is responsible for gathering all relevant evidence and documentation regarding the incident being investigated. In a civil liability investigation, those Department members interviewed shall be informed that the interview is being conducted in anticipation of future litigation, will not be used in any subsequent personnel investigation, and will be kept confidential pursuant to the attorney client privileges afford by law. At the conclusion of the investigation, the Administrative Investigations Team will present its findings to the following authorities:

Civil Liability Investigation-County Counsel and, at their discretion, the Sheriff, his/her executive Staff, or other person(s) that County Counsel authorizes.

The completed file shall be forwarded to the following authorities for archiving:

Civil Liability Investigation-The Administrative Investigations Team Commander;

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

380.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Santa Barbara County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Deputies may allow the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the bureau facility, transported in a marked patrol car, or taken into formal protective custody.

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Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Lieutenant is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

382.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

382.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

382.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Santa Barbara County Sheriff's Office affords to all members of the public (28 CFR 35.136).

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 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. There are eight (8) identified volunteer units within the department; Volunteer Chaplain, Aero Squadron Volunteer, Sheriff's Volunteer Team (SVT), Dive Team Volunteer (Underwater Search and Recovery), Search and Rescue Team (SAR), Custody Operations Volunteer, Volunteer Explorer Advisor, Technical Support Volunteer.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Sheriff or his 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 on-going 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.

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- (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.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy. 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 timeframe 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 provide contact information. 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 Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer 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 Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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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.

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 or adverse contact with any law enforcement agency

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 and custody 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 or using personal transportation.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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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. The supervisor will be designated as the Volunteer Liaison and appointed by the Sheriff or the Volunteer Coordinator.

The Volunteer Liaison 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 a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

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 available at all times while on duty. The identification card shall be visibly worn at all times when in department facilities if the volunteer is not in uniform.

Any fixed and portable equipment issued by the department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the department and shall be returned at the termination of service.

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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 when using a personal vehicle.
- (d) Receive authorization from the unit Volunteer Liaison or the Volunteer Coordinator.

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 seatbelt requirements. Smoking is prohibited in all department vehicles. Volunteers should not operate a marked patrol car unless there is a prominently placed placard indicating that it is a volunteer unit or out of service. With the exception of specially trained and authorized Search and Rescue personnel, volunteers are not authorized to operate a department vehicle Code-3 or utilize any red or blue light or emergency siren.

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.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator at any time with or without cause. Volunteers shall have no property interests in their continued appointment

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. All property, including uniforms, patches and identification cards will be returned to the department in accordance with policy section 384.5.

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. Volunteer Liaisons should conduct regular evaluations with volunteers to

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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.

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 Santa Barbara 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 Policy. When carrying firearms while off-duty deputies shall also carry their Department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

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.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

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 Santa Barbara 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

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

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 Supervisor as soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Chaplains

389.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Santa Barbara County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

389.2 POLICY

The Santa Barbara County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

389.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

389.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Santa Barbara County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

389.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

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Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

389.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Santa Barbara County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Santa Barbara County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

389.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Operations Support Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Supervisor.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.

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- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

389.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Santa Barbara County Sheriff's Office.

389.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

389.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Santa Barbara County Sheriff's Office personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
- (d) Chaplains shall be permitted to ride with deputies during any shift and observe Santa Barbara County Sheriff's Office operations, provided the Shift Supervisor has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as a deputy.
- (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.

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- (h) Chaplains shall serve only within the jurisdiction of the Santa Barbara County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

389.7.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Supervisor or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

389.7.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

389.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

389.7.6 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

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- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

389.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Santa Barbara 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, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Santa Barbara County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

389.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Lieutenant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death

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- Sensitivity and diversity

Gun Violence Restraining Orders

390.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

390.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

390.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

390.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the deputy's supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

390.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic violence crime where the suspect is associated with a firearm registration or record.
- (b)
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

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Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

390.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours of receipt of this order, you must turn in all items listed above to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order Penal code 18125 et.seq. tThis notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

390.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

- (a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
- (b) File a copy of the order with the court as soon as practicable after issuance.
- (c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

390.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search

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warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

390.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Office are properly maintained (Penal Code § 18120).
- (d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

390.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.

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- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

390.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

390.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Criminal Investigations Division Commander or designee will act as the gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by office members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 - 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 - 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

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1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Lieutenant to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, office procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Office.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear (Penal Code § 18108).

390.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Criminal Investigations Division Commander or designee is responsible for the review of a gun violence restraining order obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

390.11 POLICY AVAILABILITY

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

390.12 TRAINING

The Training Lieutenant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Native American Graves Protection and Repatriation

391.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

391.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

391.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

391.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

391.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Office should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3 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.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY

The Santa Barbara County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

400.5 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Santa Barbara County. The function of patrol is to

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respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Santa Barbara County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

402.2 POLICY

The Santa Barbara County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

402.4.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

402.6 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff.

The annual report should not contain any identifying information about any specific complaint, member of the public or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Bureau.

- (a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this office who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Manager and the Records Supervisor or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying deputies of changes in schedules and assignments
- (c) Notifying deputies of new Departmental Directives or changes in Departmental Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Lieutenant for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

406.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

SET/CNT Units

408.1 PURPOSE AND SCOPE

The Special Enforcement Team (SET) and the Crisis Negotiation Team (CNT) have been established to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required.

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SET/CNT Units are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police 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

SET/CNT units are designated units of law enforcement officers that are 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 units may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such units.

408.2 MANAGEMENT/SUPERVISION

A designated Law Enforcement Division Commander shall serve as the commander of the SET/CNT Units and shall be selected by the Sheriff upon recommendation of Command Staff. This Commander will hereafter be referred to as the SET/CNT Commander.

408.2.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the SET/CNT Commander, the SET/CNT Units shall be managed by a lieutenant.

408.2.2 UNIT SUPERVISORS

The SET/CNT Units will be supervised by sergeants. The unit supervisors shall be selected by the Sheriff upon specific recommendation by Command Staff and the SET/CNT Commander. The following represent the supervisor responsibilities for the SET/CNT Units: (a) The CNT supervisor's primary responsibility is to supervise the operations of CNT which will include deployment, training, first line participation, and other duties as directed by the SET/CNT Commander. (b) The SET supervisor's primary responsibility is to supervise the operations of SET, which will include deployment, training, first-line participation, and other duties as directed by the SET/CNT Commander.

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408.3 CNT UNIT ADMINISTRATIVE PROCEDURES

CNT was established to provide skilled verbal communicators to de-escalate and control critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

408.3.1 SELECTION OF CNT PERSONNEL

Interested personnel who meet the following criteria shall submit a memo to Human Resources indicating their interest in the particular position:

- Have successfully completed their probation period;
- Have eighteen (18) months of service as a Sheriff's Deputy or Custody Deputy with this Department;
- Have satisfactory overall EPR ratings for the last rating period.

The memo shall include a resume' of qualifications. Those qualifying applicants will then be invited to participate in the testing process. The testing process will consist of:

- An oral interview by unit supervisors;
- A unit evaluation through problem-solving exercises;
- A psychological exam.

The oral board will consist of the CNT sergeant, an CNT member, and a third person to be selected by the CNT commander. The oral board shall identify qualified candidates and appropriate skills.

408.3.2 UNIT EVALUATION

Oral Board members will evaluate each candidate on his/her tactical communication skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the unit through problem solving exercises. Applicants will be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance;
- (b) Demonstrated good judgment and understanding of the critical role of the negotiator and the negotiation process;
- (c) Effective communication skills to ensure success as a negotiator;
- (d) Special skills, training, or appropriate education as it pertains to the assignment;
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual work hours, conditions, and training obligations;
- (f) A psychological exam to be conducted by the Department approved psychologist;

A list of successful applicants shall be submitted to the Sheriff, by the CNT commander, for final selection.

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408.3.3 TRAINING OF NEGOTIATORS

Those deputies selected as HNT members should attend the Basic Negotiators Course, as approved by POST, prior to being used as the primary in an actual crisis. Untrained deputies should be used in a support or training capacity. Additional training will be coordinated by the unit supervisor.

A minimum of one (1) 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 unit sergeant.

Continual evaluation of a unit member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CNT commander through the CNT lieutenant and sergeant. The performance and efficiency level, as established by the unit sergeant, will be met and maintained by all CNT members. The unit sergeant shall be responsible for submitting documentation on any CNT member who is not functioning at satisfactory levels. Any member of CNT who performs or functions at a level less than satisfactory shall be removed from the unit.

408.4 SET UNIT ADMINISTRATIVE PROCEDURES

SET was established to provide a skilled and trained unit to be deployed during events requiring specialized tactics; for example, situations where suspects have taken hostages and/or barricaded themselves. Additionally included are high-risk arrest or search warrant service 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 SET

408.4.1 SELECTION OF SET PERSONNEL

Interested personnel who meet the following criteria shall submit a memo to Human Resources indicating their interest in the particular position:

- Have successfully completed their probation period;
- Have twenty-four (24) months of service as a peace officer, eighteen (18) months of which have been with the Department;
- Have satisfactory overall EPR ratings for the last rating period

The memo shall include a resume' of qualifications. Those qualifying applicants will then be invited to participate in the testing process. The testing process will consist of:

- A physical agility test;
- Shooting drills;
- A unit evaluation through problem-solving exercises;
- A psychological exam

Physical Agility: The physical agility test is an obstacle course designed to determine the physical capabilities of the applicant as it relates to performance of SET-related duties. A minimum qualifying time shall be attained by the applicant to be considered for the position.

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Shooting Drills: Shooting drills created by the unit sergeants.

Unit Evaluation: Current unit members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the unit through problem-solving exercises. Applicants will be evaluated by the following criteria:

- Recognized competence and ability as evidenced by performance;
- Demonstrated good judgment and understanding of critical role of SET members;
- Special skills, training, or appropriate education as it pertains to this assignment;
- Commitment to the unit, realizing that the additional assignment may necessitate unusual work hours, conditions, and training obligations.

Psychological Exam: To be conducted by the Department approved psychologist.

A list of successful applicants shall be submitted to the Sheriff, by the SET/CNT Commander, for final selection.

408.4.2 SET TRAINING

Training shall be coordinated by the SET/CNT Commander through the unit lieutenant and sergeants. In addition to specialized training, the SET/CNT Commander may conduct monthly training exercises to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

(a) Each SET member shall perform a physical agility test biannually. A minimum qualifying time must be attained by each unit member.

(b) Any SET member failing to attain the minimum physical agility qualification time will be notified of the requirement to retest and attain a qualifying time. Within 90 days of the previous physical agility test date, the deputy required to qualify shall report to a unit supervisor and complete the entire physical agility test. Failure to qualify within 90 days will result in disqualification from the unit.

(c) Those deputies who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date shall be responsible for reporting to a unit supervisor and taking the test within thirty (30) days of their return to regular duty. Any member who fails to arrange for and perform the physical agility test within the 30-day period shall be considered as having failed to attain a qualifying time for that test period.

(d) Quarterly, each SET member shall perform the mandatory SET primary weapon and handgun qualification course. The qualification course shall consist of shooting drills created by unit sergeants. Failure to qualify will require that deputy to seek remedial training from a unit Rangemaster approved by the SET/CNT Commander. Unit members who fail to qualify must retest within 30 days. Failure to qualify within 30 days, with or without remedial training, will result in removal from the unit.

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408.4.3 UNIT MEMBER EVALUATION

Continual evaluation of a unit member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SET/CNT Commander through the SET lieutenant and sergeants. The performance and efficiency level, as established by the unit sergeants, will be met and maintained by all SET members. Unit sergeants shall be responsible for submitting documentation on any SET member who is not functioning at satisfactory levels. Any member of SET who performs or functions at a level less than satisfactory shall be disqualified from the unit.

408.4.4 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.4.5 SCENARIO BASED TRAINING

SWAT teams 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.

408.4.6 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Bureau. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 OPERATION GUIDELINES FOR SET/CNT UNITS

The following procedures serve as guidelines for the operational deployment of the SET/HNT Units. Generally, the SET/CNT Units will be activated together. It is recognized, however, that a tactical unit may be used in a situation not requiring the physical presence of CNT, such as warrant service operations. This shall be at the discretion of the SET/CNT Commander.

408.5.1 ON-SCENE DETERMINATION

Any sworn member of the Department may request SET/CNT assistance.

The on-duty field supervisor will assess whether the SET/CNT Units will be activated to respond to the scene. Upon field supervisor authorization, the SET/CNT Units will be activated as necessary.

The unit shall be activated by the Dispatch Center using the Department group paging system, thus notifying the SET sergeants, lieutenant, and commander.

Upon assignment of a mission by the geographical area Operations Division Commander, the SET unit leaders will assess the situation, select the appropriate tactics to be deployed, and develop a plan for carrying out a tactical operation. The geographical Operations Division Commander shall maintain operational control of the entire incident, unless relieved by a superior officer. The CNT Unit leaders will assess the situation, locate an CNT Negotiations Post, conduct all appropriate investigation into the identity, background, and purpose of the suspect(s), and request appropriate resources as needed.

Only the geographical area Division Commander or his/her designee has the authority to deploy SET/CNT into a tactical operation or into negotiations with the suspect(s).

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408.5.2 APPROPRIATE SITUATIONS FOR USE OF SET/CNT UNITS

The following are incidents that may indicate the need for activation of the SET/CNT Units: (a) Barricaded suspects who refuse an order to surrender;

(b) Incidents where hostages are taken;

(c) Cases of suicide threats;

(d) Arrests of dangerous persons;

(e) High-risk search warrant service;

(f) Any incident that is high-risk in nature and beyond the capabilities of personnel handling the incident;

(g) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property

408.5.3 MOBILIZATION OF SET/CNT UNITS

The on-duty field supervisor shall make a request to the Dispatch Center for the activation of the SET/CNT Units. The Dispatch Center shall then send a group page to SET/CNT. The field supervisor will then notify the geographical area Operations Division Commander as soon as practical. This may be accomplished by notifying the appropriate chain of command who will then be responsible for notification to the Division Commander.

The field supervisor should advise the area Operations Division Commander as follows:

(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; and

(h) Any other important facts critical to the immediate situation and whether or not the suspect has refused an order to surrender.

Upon notification of an SET/CNT Unit activation, all unit members shall respond to determined locations for staging, briefing, and response instructions.

408.5.4 FIELD UNIT RESPONSIBILITIES

While waiting for the SET/CNT Units, field supervisors, if safe and practical, should:

(a) Establish an inner and an outer perimeter;

(b) Establish a command post outside the inner perimeter;

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- (c) Evacuate any injured persons or citizens in the zone of danger;
- (d) Attempt to establish preliminary communication with the suspect. Once SET/CNT has arrived, all negotiations should be halted to allow the negotiators and the SET Unit to set up;
- (e) Be prepared to brief the SET/CNT Commander on the situation; and
- (f) Plan for, and stage, anticipated resources.

408.5.5 ON-SCENE COMMAND RESPONSIBILITIES

The senior officer on the scene will be in charge of the situation until relieved by a sergeant or a person of higher rank.

The geographical area Operations Division Commander with responsibility for the affected area or his/her designee shall assume the role of Incident Commander and shall maintain overall command of the incident, unless relieved by a higher authority.

The geographical area Operations Division Commander with responsibility for the affected area shall conduct a critique of the incident and submit a consolidated report to the Sheriff.

Upon arrival of the SET/CNT Units, the Incident Commander shall brief the SET/CNT Commander or his/her designee and unit supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SET/CNT Commander, whether or not to deploy the SET/CNT Units into tactical or negotiations operations. Once the Incident Commander authorizes deployment, the SET/CNT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation and outer perimeter security as well as provide support for the SET/CNT Units. The Incident Commander and the SET/CNT Commander (or their designees) shall maintain communications at all times.

408.5.6 COMMUNICATION WITH SET/HNT UNIT PERSONNEL

All of those persons who are non-SET/CNT Unit personnel should refrain from any contact or interference with any member of the unit during active negotiations or tactical operations. These operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SET/CNT personnel directly. All such communications shall be channeled through the CNT Unit sergeant or his/her designee.

408.6 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the geographical area Operations Division Commander with responsibility for the affected area. Requests by other agencies for the Department SET/CNT Units must be authorized by the SET/CNT Commander.

Other law enforcement agencies may request assistance from our Department when they have hostage/barricaded suspect incidents in their areas of jurisdiction.

It is the policy of the Department to assist police departments and other law enforcement agencies within this County when the demands of the situation exceed the capabilities of said department.

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Requests for assistance from other agencies shall comply with the following guidelines:

- (a) All requests from other agencies for SET/CNT Response Units assistance shall be immediately directed to the SET/CNT Commander.
- (b) Each request must have the consent of the Agency Head or the next in command of the requesting agency.
- (c) The SET/CNT Commander shall categorize requests for assistance from other agencies as either Primary or Secondary Assistance, according to the following guidelines:

Primary Assistance: SET: The SET Unit has the total responsibility to neutralize the situation. Personnel within the inner perimeter shall be Sheriff's personnel only. After consultation with the SET/CNT Commander, the head of the requesting agency or his/her designee will assign a mission to the SET. **Primary Assistance " CNT** The CNT Unit may also be requested to act as primary negotiators with a suspect(s). In this event, CNT members will act under the direction of the requesting agency Incident Commander and will follow the policies of the requesting agency, as long as it is reasonable to do so and does not violate any Department policies.

Secondary Assistance The crowd and traffic control on the perimeter of the incident is considered Secondary Assistance. Neither the SET nor the CNT Units shall be utilized for secondary assistance. Personnel for this assignment shall be provided by the geographical station. These personnel shall be under the supervision of the Department's supervisors who will accept standard traffic and crowd control missions from the requesting agency commander.

When operating with another agency, the CNT Unit will follow the policies of that agency in so far as it is reasonable to do so. As with the Department's operations, however, unit members will function only as negotiators. They will not make decisions which are the responsibility of the geographical area Operations Division Commander. The ranking member of the Department in command of the situation at the time of the request for service shall cause the immediate notification of the duty lieutenant and/or the geographical area Operations Division Commander.

The geographical area Operations Division Commander who receives any request for SET/CNT Units from an outside agency shall immediately contact the SET/CNT Commander and relay the request. The SET/CNT Commander shall contact the Sheriff for approval.

If a current MOU between SET/CNT and a specific agency exists, the MOU would take the place of the above guidelines.

408.6.1 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.

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- (b) Members of the Santa Barbara County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Santa Barbara County Sheriff's Office when working in a multi-agency situation.

Underwater Search and Recovery Unit

409.1 PURPOSE AND SCOPE

The Underwater Search and Recovery Unit, also referred to as the Dive Team, has been established to provide specialized support in handling waterborne operations where the need for search and recovery missions are required.

409.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Dive Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a 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-the-scene decision making as required. The Administrative Procedures, however, are more restrictive, and few exceptions should be taken.

409.2 MANAGEMENT/SUPERVISION OF THE DIVE TEAM

A Commander or Chief Deputy recommended by command staff shall serve as the commander of the Dive Team and shall be selected by the Sheriff upon recommendation of Command Staff.

409.2.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Dive Team Commander, the Dive Team shall be managed by a lieutenant.

409.2.2 TEAM SUPERVISORS

The Dive Team will be supervised by sergeants.

The team supervisors shall be selected by the Sheriff upon specific recommendation by Command Staff and the Dive Team Commander.

The following represent the supervisors' responsibilities for the Dive Team:

- (a) The Dive Team supervisor's primary responsibility is to supervise the operations of the Dive Team, which will include deployment, training, first-line participation, and other duties as directed by the Dive Team Commander.

409.3 DIVE TEAM ADMINISTRATIVE PROCEDURES

The Dive Team was established to provide a skilled and trained team to be deployed during events requiring specialized skills in swimming and scuba diving. These events include searches for drowning victims, submerged or floating body recovery, and evidence recovery. It is the philosophy of the Dive Team to provide support in these areas to the greatest extent possible, understanding that underwater operations have an inherent risk associated with them and that at no time will members of the Dive Team take unnecessary risks in the recovery of evidence or victims.

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409.3.1 SELECTION OF DIVE TEAM PERSONNEL

Interested sworn personnel who meet the following criteria shall submit a memo to Human Resources indicating their interest in the particular position, a copy of which will be forwarded to the Dive Team lieutenant

- Have successfully completed their probation period
- Have 18 months service as a deputy/custody deputy with the Department; and
- Have satisfactory EPR ratings for the last rating period.

The memo shall include a resume' of qualifications. Those qualifying applicants will then be invited to participate in the testing process. The testing process will consist of:

- A swimming qualification test
-
- An oral interview with the Dive Team, facilitated by the Dive Team sergeants

409.3.2 SWIMMING QUALIFICATION TEST

The swimming qualification test is a series of events designed to test the applicant's swimming skills and strengths as they relate to the performance of Dive Team-related duties to include:

- (a) An 800-yard swim utilizing fins, mask and snorkel; a minimum qualifying time of 16 minutes shall be attained by the applicant to be considered for the position
- (b) A 10-yard, single breath hold, underwater swim with no gear
- (c) A 15-minute water tread, the last two (2) minutes with hands out of water with no gear

409.3.3 SCUBA SKILLS TEST

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)
- (k)
- (l)

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409.3.4 SUPERVISORS INTERVIEW

Team supervisors shall conduct an informal interview to recognize competence and ability as evidenced by performance, demonstrated good judgment, special skills, training, or appropriate education as it pertains to this assignment, commitment to the unit, an understanding that the additional assignment may necessitate unusual working hours, conditions, and training obligations and understanding of critical role of Dive Team members.

A list of successful applicants shall be submitted to staff, by the Dive Team Commander, for final selection.

409.4 DIVE TEAM TRAINING

Training shall be coordinated by the Dive Team Commander through the Team lieutenant and sergeants. In addition to specialized training, the Dive Team Commander may conduct monthly training exercises to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

- (a) Each Dive Team member shall perform the swimming qualification test and the scuba skills test annually.
- (b) Any Dive Team member failing to attain the minimum qualifications will be notified of the requirement to retest in the area failed. Within 90 days of the previous test date, the team member required to qualify shall report to a team supervisor and complete the component of the test in which he/she failed. Failure to qualify within 90 days will result in disqualification from the Dive Team.
- (c) Those Dive Team members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date shall be responsible for reporting to a Dive Team supervisor and taking the tests within 30 days of their return to regular duty. Any member who fails to arrange for and perform the swimming qualification test and the scuba skills test within the 30-day period shall be considered as having failed to qualify that test period.

409.4.1 TEAM EVALUATION

Continual evaluation of a Dive Team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Dive Team Commander through the Dive Team lieutenant and sergeants. The performance and efficiency level, as established by the Team sergeants, will be met and maintained by all Dive Team members. Dive Team sergeants shall be responsible for submitting documentation on any Dive Team member who is not functioning at satisfactory levels. Any member of the Dive Team who performs or functions at a level less than satisfactory shall be disqualified from the Dive Team.

409.5 OPERATION GUIDELINES FOR THE DIVE TEAM

The following procedures serve as guidelines for the operational deployment of the Dive Team.

409.5.1 ON-SCENE DETERMINATION

Any sworn member of the Department may request Dive Team assistance. The on-duty field supervisor will assess whether or not the Dive Team will be activated. The Team supervisors shall

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be notified by the Dispatch Center regarding the situation using the Department paging system. Team supervisors will then notify the Dive Team lieutenant and brief him/her on the situation and their recommendation for response.

Upon assignment of a mission by the Dive Team lieutenant, the Dive Team supervisors will select and employ an appropriate plan to carry out the mission.

409.5.2 APPROPRIATE SITUATIONS FOR USE OF THE DIVE TEAM

The following are incidents that may indicate the need for activation of the Dive Team:

- (a) Reported drowning victim
- (b) Floating body recovery
- (c) Missing diver
- (d) Submerged evidence recovery
- (e) Downed aircraft in the water
- (f) Vessel sinking
- (g) Hull searches
- (h) Any situation where the need to enter the water arises in order to accomplish a Department mission or function

409.5.3 MOBILIZATION OF THE DIVE TEAM

The on-duty field supervisor shall make a request to the Dispatch Center for the Dive Team. The Dispatch Center shall then notify the Dive Team supervisors. The field supervisor will then notify the geographical area Operations Division Commander as soon as practical.

The field supervisor should advise the Dive Team supervisors as follows:

- (a) The circumstances of the situation
- (b) The last seen location of any potential victim or missing person
- (c) The time frame of the event
- (d) The names and contact information of any witnesses

Upon notification of a Dive Team call-out, all Team members shall respond to a determined location for staging, briefing, and further instructions.

409.5.4 FIELD UNIT RESPONSIBILITIES

While waiting for the Dive Team, field personnel should, if safe and practical:

- (a) Establish a perimeter around the area where any victims may have entered the water
- (b) Establish a command post inside the perimeter
- (c) Establish a Dive Team staging area inside the perimeter

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- (d) Be prepared to brief the Dive Team supervisors on the situation
- (e) Plan for, and stage, anticipated resources

409.6 OUTSIDE AGENCY REQUESTS

Requests by other agencies inside Santa Barbara County for the Dive Team will be authorized by the Dive Team lieutenant or, in his/her absence, the Dive Team supervisors.

Requests by other agencies outside Santa Barbara County for the Dive Team must be authorized by the Dive Team Commander.

The Dive Team will operate under the guidelines set forth in this policy and the policies of the Department while providing assistance to outside agencies. The Dive Team will maintain the authority to select and employ an appropriate plan to carry out the mission.

409.7 SHERIFF'S VESSELS

The Dive Team will have the responsibility of operating and maintaining the Department's vessels. Persons operating any Department vessel must have prior authorization by a Dive Team supervisor before assuming control over a vessel. It shall be the responsibility of the Dive Team lieutenant and supervisors to provide for scheduled maintenance, budgeting, and training in the operation of any waterborne vessels utilized by the Department.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Citizens on Patrol Program which provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Citizens on Patrol Program.

410.1.1 ELIGIBILITY

The Citizens on Patrol Program is offered to residents, students, and other County employees, including family members of Department personnel. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to the following:

- (a) Being under the age of 15
- (b) Prior criminal history
- (c) Pending criminal action
- (d) Pending lawsuit against the Department
- (e) Denial by any supervisor

410.1.2 AVAILABILITY

The Citizens on Patrol Program is available on most days of the week. The ride-along times are from 6 AM to 10 PM for juveniles and all hours for adults. Exceptions to this schedule may be made as approved by the station commander.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the geographical area station commander or his/her designee. The participant will complete a Citizens on Patrol application/waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Citizens on Patrol application/waiver form. A photocopy of the identification or driver's license will be taken and attached to the application form. This photocopy will be used by the deputy to identify the citizen when the ride along occurs.

The station commander or his/her designee will schedule a date, based on availability, at least one (1) week after the date of application. The completed waiver will be submitted with the application to the station commander or his/her designee for approval. If approved, a copy will be forwarded to the respective shift supervisor as soon as possible for his/her scheduling considerations.

If the citizen on patrol (COP) applicant is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

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Ride-Along Policy

410.2.1 PROGRAM REQUIREMENTS

Once approved, a civilian COP will be allowed to ride no more than once every six (6) months. An exception would apply to the following: Cadets, Explorers, VIP, Chaplains, Reserves, applicants, and all others with approval of the station commander.

An effort will be made to ensure that no more than one (1) COP will participate in the Citizens on Patrol Program with any patrol squad during any given shift. Normally, no more than one (1) COP 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. Men shall wear suits or sport coats and slacks, unless other suitable attire is approved in advance. Women shall wear dresses, skirts, pant suits, or slacks. Dresses or skirts shall be of modest length when seated. 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 patrol vehicle. The watch commander 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 Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

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 Santa Barbara County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

410.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the Dispatch Center that a COP is present in the vehicle before going into service. Situations may arise necessitating rescheduling, interruption, or denial of a scheduled COP in the interest of safety. This decision may be made by the shift supervisor prior to the COP assignment or, if necessary, while the COP is in the field. At any time, if it should be determined by the shift supervisor or the assigned deputy that the presence of the COP would jeopardize either his/her safety or the safety of the assigned deputy, the COP shall be left at a safe location and arrangements made for return transportation to the station. In addition, when on a call, the COP shall be instructed to remain in the patrol unit unless otherwise directed by the assigned deputy.

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410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the COP at all times and instruct him/her in the conditions that necessarily limit his/her participation. These instructions should include the following:

- (a) The COP will follow the directions of the deputy.
- (b) The COP will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any equipment.
- (c) The COP may terminate the ride at any time, and the deputy may return him/her to his/her home or to the station if the ride-along interferes with the performance of the deputy's duties.
- (d) The COP may be allowed to continue riding during the transportation and booking process provided this does not jeopardize his/her safety.
- (e) Deputies will not allow any COP to be present in any residences or situations that would jeopardize his/her safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian COP be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

410.5 CITIZEN ON PATROL IDENTIFICATION TAG

Prior to the start of the ride along, the deputy will obtain a "Citizen on Patrol" (COP) identification badge from the front desk of each station. The citizen is required to wear the identification badge during the entire duration of the ride along. The identification badge shall be worn on the front of the citizen's clothing and be visible at all times. At the conclusion of the ride along, the deputy shall obtain the identification badge from the citizen and return it to the front desk of the assigned station.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this office.

412.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

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.

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Hazardous Material Response

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 (Report of Incident Only [if the exposure did not result in a physician's visit and/or missed work time] or County Worker's Compensation Forms [if the exposure did result in a physician's visit and/or missed work time]), in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall arrange for the employee to receive a confidential medical examination by a physician preferably during the shift that the incident occurred. Employee and supervisor shall complete the County Worker's Compensation Forms and forward them to the Department's Human Resources Bureau as soon as possible. The supervisor shall insure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members safety equipment is available through supervisory personnel. Safety items not maintained by the officewill be obtained through the Fire Department.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

414.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

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The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

After assessing the situation, the on-scene deputy should request SET/HNT units if appropriate. The on-duty field supervisor, whether on scene or not, should consider that request and authorize an SET/HNT activation based on the information available at the time of the request. Only the geographical area Division Commander or higher authority; or his/her designee, has the authority to deploy SET/HNT into a tactical operation or into negotiations with the suspect(s).

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer (PIO).

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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SET/HNT response if appropriate and apprising the SET/HNT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

414.6 INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander will decide, with input from the SET/HNT Commander, whether to deploy SET during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SET/HNT Commander or the authorized designee 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 evacuation, media access and support for SET/HNT. The Incident Commander and the SET/HNT Commander or the authorized designee shall maintain communications at all times.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents, and bomb threats. 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. When in doubt concerning an unknown device/item, summon assistance from the Bomb Squad.

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) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Watch Commander 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) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (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.
- (h) When in doubt, call for assistance from the Bomb Squad.

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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

416.3.1 NOTIFICATIONS

The Dispatch Center will have the following responsibilities when a bomb threat is received:

- (a) Upon receiving notification of a bomb threat, the Dispatch Center will assign a patrol unit and a field supervisor to the scene;
- (b) At the direction of the field supervisor or other responding deputy, the Dispatch Center or the field supervisor will notify any facility threatened in the event the threat was not received by the target facility;
- (c) The Dispatch Center will notify the Fire Department to be on standby, per their policy.

416.3.2 CROWD CONTROL

- (a) Upon receiving an assignment in reference to a bomb threat, the assigned units will proceed directly to the scene. All incoming and outgoing radio and cellular phone transmissions should be discontinued within 300 feet of the threatened facility.
- (b) Upon arrival at the scene, the deputy assigned will take charge and become the on-scene commander, unless relieved by a field supervisor. It shall be the on-scene commander's responsibility to work with the facility management in determining the possible need for evacuation. Whether or not to evacuate is a management decision and should be based on all available information. If the facility is to be evacuated and time permits, all evacuation routes and exits should be searched prior to the evacuation.
- (c) The on-scene commander or assigned deputy, if possible, will interview the recipient of the bomb threat to ascertain any information that might be beneficial in locating the device or in determining that a time element is a consideration.
- (d) Cooperation between the deputy on the scene and the facility personnel should be utilized in the search for an explosive device. If possible, the search should be conducted by volunteer employees who are familiar with the area to be searched. All search personnel should be cautioned not to touch or disturb any suspicious or unfamiliar packages or containers. If time is an element of the reported threat, all search procedures should be discontinued 20 minutes prior to the reported time of threatened detonation and not resumed until 30 minutes thereafter.
- (e) The on-scene commander shall establish a temporary command post in an area with telephone service. The location should be made known to all search teams with instructions to report immediately any suspicious items or packages.

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- (f) If the building or area searched fails to disclose any suspected items, the responsibility for returning persons to the area shall also be the decision of the facility management.
- (g) No deputy will make any statement that no explosive device exists. The on-scene commander or the PIO shall be responsible for making any statement.
- (h) The deputy initially assigned the call shall be responsible for the completion of the necessary reports.

416.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

When an explosion has occurred, there are multitudes of considerations that may confront a deputy. As in other catastrophic incidents, a rapid response will help to minimize further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures, etc.

Whether or not the explosion was the result of an accident or a criminal act, the following concerns may confront you:

- (a) Injury to victims
- (b) Medical aid (primary Fire Department responsibility)
- (c) Evacuation of victims (primary Fire Department responsibility)
- (d) Undetonated explosives
- (e) Suicide/Homicide bomber who may or may not be alive

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- (a) Fire Department
- (b) Bomb Squad
- (c) Additional field deputies
- (d) Field supervisor
- (e) Watch commander
- (f) Detectives
- (g) Forensic Bureau

416.4.2 RESPONSIBILITIES

No one should be allowed free access to the scene unless he/she has a legitimate and authorized reason for being there.

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416.4.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the deputy should wait for the arrival of the Bomb Squad.

416.5 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat call be received at any Department facility and a search made for a destructive device.

416.5.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb is received at the Department:

- When is the bomb going to explode?
- Where is the bomb right now?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five (5) basic questions.

During this time, record the following:

- Time of the call
- Exact words of the person as accurately as possible
- Age and sex
- Speech patterns and/or accents
- Background noises

If the incoming call is received at the Department's facility on a recorded line, steps shall be taken to ensure that the digital tape is retrieved as evidence.

416.5.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the field supervisor will be advised and fully informed of the details. The field supervisor will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate. The field supervisor will also be responsible for insuring timely notification to the on-duty watch commander and/or the affected geographical area division commander or station lieutenant.

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416.6 CHEMICAL, BIOLOGICAL, AND NUCLEAR THREATS

The possibility of chemical, biological, and nuclear threats, occurring in the civil sector during peacetime have greatly increased. These threats can be received in different ways, such as telephone call, tape-recorded message, note, or letter.

416.7 NOTIFICATION

Upon receipt of any threat involving chemical, biological, or nuclear material, or the threatened use of a weapon of mass destruction (WMD), immediately notify the Bomb Squad and the field supervisor. The Bomb Squad will initiate the FBI notification protocol, and the field supervisor will be responsible for notifying the on-duty watch commander or the geographical area division commander. Preserve any and all material related to the threat, including phone tapes, handwritten notes, or actual correspondence. Upon arrival of FBI officials, the Bomb Squad will assist in collecting all information related to the threat.

Should you need to contact the Los Angeles office of the FBI, the 24-hour telephone number is 310-477-6565.

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 Welfare and Institutions Code § 5150 does not constitute an arrest.

418.2 AUTHORITY

When any person, as a result of mental disorder, is a danger to others, or to himself/herself, or gravely disabled, a peace officer, a member of the attending staff, as defined by regulation, of an evaluation facility designated by the County, designated members of a mobile crisis team provided by Welfare and Institutions Code § 5651.7, or other professional person designated by the County may, upon probable cause, take, or cause to be taken, the person into custody and place him/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, the member of the attending staff, or professional person and stating that the deputy, the member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself/herself, or gravely disabled. If the probable cause is based on the statement of a person other than the deputy, member of the attending staff, or professional person, such person shall be informed that they may be liable in a civil action for intentionally giving a statement that he/she knows to be false.

418.3 PSYCHIATRIC EMERGENCY TEAM

A Crisis and Recovery Emergency Services Team (CARES) is available around the clock to assist deputies in evaluating mental health cases in the field, particularly if a 72-hour hold seems appropriate. If CARES is out of service at the time or the individual has an overriding medical problem or, if it is necessary to expedite the commitment, the deputy may bring about the individual's direct transportation to a hospital, and CARES will respond as soon as possible. After evaluation, CARES will do one of the following:

- (a) Write a Welfare and Institutions Code § 5150 petition and initiate appropriate subsequent procedures thus permitting the deputy to return to the field; or
- (b) Arrange for an alternative disposition when an appropriate diversion program is available; or
- (c) Conclude that the individual is not a candidate within Welfare and Institutions Code § 5150 and so advise the deputy. If the deputy disagrees with this finding, he/she may request the shift supervisor to initiate a telephone call of appeal to a CARES supervisor.

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If an adult is at the hospital, the CARES team is responsible for providing services, but the hospital should contact CARES directly. If it involves a person who is under 21 in the field, or is under 18 at the hospital, the Safe Alternatives for Treating Youth (SAFTY) team will perform the evaluation.

418.3.1 TRANSPORTATION OF MENTALLY ILL PERSONS

Deputies shall request an ambulance to transport mentally-ill persons only if the person is:

- (a) Violent and requires restraint to the extent that they must be transported lying down.
- (b) Injured or physically ill and is in need of immediate medical attention.

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 or not 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 SECURING OF WEAPONS

If an extraordinary event occurs in the treatment facility, and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the patrol unit.

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 Department 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 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

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418.5.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the 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(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

418.6 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with mentally disabled persons, 5150 commitments and crisis intervention.

Cite and Release Policy

420.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

420.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

420.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

All criminal citations require a case number. Traffic violations, Santa Barbara County Code violations, and some Penal Code offenses can be documented on the reverse side of the Criminal Records Bureau copy of the citation without need for an OAI, unless the deputy or the supervisor determines that documentation that is more thorough is needed in the form of an OAI.

420.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

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 supervisor 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 in Policy Manual § 420.33.

420.4 NON-RELEASE

420.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

420.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Shift Supervisor may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Office and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.

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1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 1. Previous failure to appear is on record
 2. The person lacks ties to the area, such as a residence, job, or family
 3. Unusual circumstances lead the deputy responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Shift Supervisor for approval and included with the case file in the Records Bureau.

420.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Shift Supervisor approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace deputy.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.

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- (g) The person has other ineligible charges pending against themselves.
- (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 policy.

420.6 JUVENILE CITATIONS

A criminal case number shall be drawn on all misdemeanor juvenile referrals/citations.

A deputy is not required to issue citations. OAI reports and attached PRO-190 Forms suffice. A PRO-109 is not required if the juvenile is referred directly to Teen Court. Traffic infractions (including Santa Barbara County Ordinance 24-29) for both NCOD and SCOD will not require the attachment of a PRO-190 Form or a case number. The offending juvenile will be issued a date/time to appear, depending on the court of jurisdiction. These traffic infraction citations will be forwarded directly to the court and not to the Probation Department.

When citing juvenile offenders, deputies shall include in the summary the name and telephone number of a parent or guardian.

A citation is not required in the case of a felony arrest.

420.7 DISPOSITION OF ALCOHOLIC BEVERAGE EVIDENCE

In cases of minor in possession, public drunkenness, county alcohol ordinances, and open container in vehicle offenses, the alcohol may be destroyed at the scene in the presence of the violator(s). Deputies are to make a notation to that effect on the citation in the spaces provided for violation description. In the case of an arrest for public drunkenness, the fact shall be included in the report. If, at the scene, a defendant indicated that the substance he/she is being arrested for is not alcohol, the item should be booked into evidence. In all other cases, including driving under the influence, the containers shall be retained for evidence in the approved manner.

420.8 DWI CITATION AND RELEASE PROCEDURES (REMOTE AREA)

Persons arrested for misdemeanor DWI may be released on a citation after the arrested person has been given a chemical test and meets the criteria for release as stated in Policy Manual § 420.3.1.

420.9 ADDITIONAL CRITERIA FOR DWI RELEASE QUALIFICATION

- (a) The driver has no more than two (2) prior DWI convictions within seven (7) years of the current DWI arrest.

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- (b) A responsible person must be available to assume responsibility for the person arrested.
- (c) Approval of the field supervisor is obtained.
- (d) The arresting deputy may leave the driver's vehicle legally parked and secured at the scene or may tow the vehicle pursuant to Vehicle Code § 22651(h)(2). If the arresting deputy has doubt that the driver will not abide by the provisions of the DWI Cite and Release Admonishment, the vehicle should be towed to prevent the driver from using this vehicle until he/she is no longer intoxicated.

420.9.1 RESPONSIBLE PERSON CRITERIA

In order to accept custody of a cited and released arrest person, the responsible person must:

- (a) be able to respond within thirty 30 minutes
- (b) be an adult, with proper identification
- (c) not be under the influence of alcohol and/or drugs

420.9.2 DOCUMENTATION OF DWI CITE RELEASE

The arresting deputy shall admonish the arrested person and the responsible person of the provisions of the DWI CITE AND RELEASE ADMONISHMENT (see below).

- (a) If the responsible party refuses to sign the form, the deputy will write "refused" on the signature line, attach the form to the arrest report, and then book the arrested person.
- (b) When the responsible person signs the form, it is to be attached to the arrest report, and the arrested person will then be released immediately to the responsible party.

The arresting deputy will include the following in the narrative portion of the arrest report as "additional information:"

- The arrested person was cited and released;
- The name of the responsible person and the location where the arrested person was released.

420.9.3 DWI CITE AND RELEASE ADMONISHMENT

Refer to the Sheriff's SH-158 form

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Santa Barbara County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Santa Barbara County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

422.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment in these rapidly unfolding and tense situations.

424.2 POLICY

The Santa Barbara County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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).

424.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, deputies shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

424.4 SANTA BARBARA COUNTY OPERATIONAL AREA ACTIVE SHOOTER/ MULTI-CASUALTY INCIDENT POLICY AND PROCEDURES DOCUMENT

[In an effort to better integrate the response of Fire and Medic assets during the response to active shooter and multi-casualty incidents, public safety agencies throughout Santa Barbara County collaborated to create and adopt a unified policy and procedure to be utilized across all public safety disciplines in the county. All department personnel are expected to review, be aware of and implement the Santa Barbara County Operational Area Active Shooter/ Multi-Casualty Policy and Procedures document during these types of incidents. The document can be reviewed or downloaded via the procedure/ operations guides section of the department library \(Intranet\).](#)

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 Department.

426.2 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on duty and is requested by another agency to participate in law enforcement activity outside the jurisdiction of the Department, he/she shall obtain prior approval from the immediate supervisor or the watch commander. If the outside request is of an emergency nature, the deputy shall notify the Dispatch Center before responding and thereafter notify a supervisor as soon as practical.

426.3 LAW ENFORCEMENT ACTIVITY OUTSIDE THE SHERIFF'S DEPARTMENT JURISDICTION

This section shall address these two issues: a protocol for the notification of planned events in another agency's jurisdiction and procedures to follow in situations involving a field contact or confrontation between undercover officers and uniformed personnel.

426.3.1 DEFINITIONS

- **A Service Agency** is the law enforcement agency initiating an investigation or planned event that enters another agency's jurisdiction.
- **A Venue Agency** is the law enforcement agency having primary responsibility for the delivery of law enforcement services in a geographical area.
- **A Planned Event** is the law enforcement activity that can be or is planned in advance, such as the service of a search warrant, a money or narcotics flash, a protracted surveillance, etc.

426.4 NOTIFICATION

Prior to a planned event, the service agency shall notify the venue agency in a timely manner, of the proposed event. Notification will normally be to the venue agency's watch commander. Such notification should include:

- (a) The time and location of the planned event and the names of the involved persons, if applicable;
- (b) The nature of the planned event; i.e., search warrant, etc;
- (c) An assessment of the potential for problems;
- (d) What assistance, if any, is or may be requested of the venue agency.

426.5 RESPONSIBILITY

Once received, the venue agency is responsible for the following:

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- (a) Maintaining the confidentiality of the information;
- (b) Any intra-departmental notifications which they deem appropriate;
- (c) Providing reasonable assistance, if requested.

426.6 CONCLUSION

At the conclusion of the event, the service agency shall make an exit notification to inform the venue agency of the event's termination. If possible, this notification should be given to the same individuals or their relieving counterparts. Should the event result in a noteworthy incident (a large seizure, arrest of a notable person, etc.), this information shall likewise be conveyed to the venue agency. Press notifications, if appropriate, should be handled by the service agency or jointly.

426.7 FIELD CONTACT/CONFRONTATIONS

- (a) Because plain-clothed/undercover deputies are not readily identifiable as law enforcement members, contacts between them and uniformed personnel include the potential for confrontation. The primary responsibility for avoiding or defusing this risk lies with the non-uniformed deputies. Their actions, when contacted by a uniformed deputy, are critically important. The following suggestions are intended to assist in avoiding or alleviating the tension possible in such contacts. The plain-clothed deputy should:
 - 1. Carry the firearm well concealed, rather than partially or completely exposed to view.
 - 2. When stopped, identify himself/herself verbally and indicate where credentials and weapons are located.
 - 3. Follow the instructions of the uniformed officer explicitly.
 - 4. Avoid any sudden movement that could be interpreted as suspicious or threatening. Keep hands in sight and open.
 - 5. Comply with any requests of the uniformed deputy without hesitation.
 - 6. Be prepared to provide the phone number and name of a supervisor or other Department member who may be contacted for verification as requested by the uniformed deputy.
- (b) The uniformed deputy's conduct in such situations will go far in preventing lingering feelings of animosity. A concern for one's safety is of primary importance, and reasonable requests intended to provide for that safety will be understood. However, unusual requests or unreasonable tactics tend to generate resistance and should be avoided. The uniformed deputy should:
 - 1. Ensure that verbal instructions are clear and concise.
 - 2. Request credentials and examine them thoroughly.

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3. Contact the plain-clothed deputy's unit of assignment when there are doubts as to the authenticity of credentials.
 4. Request that a uniformed field supervisor respond should circumstances dictate.
- (c) Any deputy, on duty or off duty, who engages in law enforcement activities of any type outside the immediate jurisdiction of Santa Barbara County shall notify his/her supervisor or the on-duty watch commander at the earliest possible opportunity.

The supervisor shall determine if a report or inter-office memo is required to document the deputy's activity. The report or memo shall be forwarded to the deputy's Division Commander.

Interviews by Outside Law Enforcement Agencies

427.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for coordinating the interview of Santa Barbara County Sheriff's Office personnel by outside law enforcement agencies conducting an investigation regarding a claim, lawsuit, or citizen's complaint filed against their department and its personnel. This applies only in those circumstances which involved personnel of the Department who were acting within the course and scope of their employment. In doing so, the interests of the Department will be protected. At the same time Department personnel will provide the cooperation necessary to assist the outside agency.

427.2 POLICY

If you are contacted by an investigator not employed by the Department, you must:

- (a) Advise the investigator that the interview must first be approved; then,
- (b) Contact your division commander and advise him/her of the request to be interviewed.

After being advised of the request, the division commander will notify Executive Staff. If the interview is approved, a time and place for the interview will be coordinated through the Civil Litigation Coordinator. If not approved, it will be the responsibility of the Civil Litigation Coordinator to advise all interested parties. It is not the intent of this policy to imply that interviews under these circumstances are mandatory.

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Santa Barbara County Sheriff's Office relating to immigration and interacting with federal immigration officials.

428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

428.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

428.3.1 DETERMINATION OF IMMIGRANT STATUS

Determination of immigration status is primarily the jurisdiction of ICE. Title 8, United States Code, § 1304(e), provides: "Every alien, 18 years of age and over, shall at all times carry with him/her and have in his/her personal possession any certificate of alien registration or alien registration receipt card issued to him/her pursuant to subsection (d) of this section. Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction for each offense be fined not to exceed \$100 or be imprisoned not more than 30 days or both."

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428.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

428.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

428.5 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.5.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.

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- (b) Transfer the person to jail.

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this office should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Santa Barbara County Sheriff's Office intends to comply with the request (Government Code § 7283.1).

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If the Santa Barbara County Sheriff's Office provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

428.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Santa Barbara County Sheriff's Office shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

428.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Custody Operations Commander or designee shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Custody Operations Commander or designee for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Bureau Policy).

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 - 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 - 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
 - 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received. This will require coordination with the District Attorney Victim Witness Office.

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428.8.2 REPORTING TO LEGISLATURE

The Detective Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.8.3 POLICE REPORTS

Upon request, a deputy or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

428.9 TRAINING

The Training Lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Santa Barbara County Sheriff's Office. Requests for such service received by this Department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this. If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by the dispatcher.

430.1.2 ELECTRICAL LINES

When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. County Fire and the electric company should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Dispatch Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The County of Santa Barbara contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of California.

430.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

434.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

434.3.1 AVIATION BUREAU AIRCRAFT ACCIDENT OR MISHAP

If an accident or mishap occurs which involves Department Aviation Bureau aircraft or personnel, then the "Aviation Mishap Manual" should be consulted and followed.

434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor

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should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

434.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

434.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

434.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

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- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the County of Santa Barbara County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SBSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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434.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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 Santa Barbara County Sheriff's Office.

It is the policy of this office to assign all new bureau 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 bureau 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:

- Possession of a POST Basic Certificate
- Two (2) years of patrol experience as a full-time peace officer with at least 18 months experience with the Department

Candidates will be evaluated in the areas of:

- Written and Oral Communication Skills
- Flexibility
- Leadership Style
- Adaptability
- Integrity
- Appearance
- Supervision
- Commitment to Department Core Values
- Field Performance
- Problem Solving and Decision Making
- Physical Fitness
- Law Enforcement Knowledge
- Quality of Work

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Field Training Officer Program

All interested personnel are to submit a resume' along with a supervisor's recommendation to the Human Resources Bureau. A panel selected by the Field Training Program supervisor will interview each applicant and review the personnel files of those candidates.

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 (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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
- (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 bureau deputy newly appointed to the Santa Barbara 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 FTO Program. The Program will be a minimum of 16 weeks in duration. The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience.

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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 Santa Barbara 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 Santa Barbara 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) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the immediate supervisor of the trainee on a daily basis.
- (b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Completing a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Signing 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.

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.

436.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of his/her FTO's and on the Field Training Program.

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:

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- (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

Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the field supervisor or his/her designee will call the closest agency having helicopter support available. The field supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Department helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

Aviation assistance limitations during vehicle pursuits are addressed in Policy Manual § 314.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

Contacts and Temporary Detentions

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

440.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

440.2 POLICY

The Santa Barbara County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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440.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Santa Barbara County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

440.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the deputy

440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

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 being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

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. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part

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of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

440.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

440.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Santa Barbara County Sheriff's Office members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

440.7 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, within 30 days of the contact, file a written request to 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.

440.7.1 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.

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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.

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 Santa Barbara 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 Santa Barbara 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 Santa Barbara 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 Santa Barbara 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.

Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Santa Barbara County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

442.2 POLICY

The Santa Barbara County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

442.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the office, the basis for that designation and the name of the agency that made the designation. The office shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the office's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Bureau, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Dispatch Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

442.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.

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- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Lieutenant to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Review and purge of the gang information system shall follow the guidelines as set forth in Title 28, Code of Federal Regulations, Part 23.

442.8 CRIMINAL STREET GANGS

The Detective Bureau supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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Criminal Organizations

442.9 REPORTING CRITERIA AND ROUTING

- (a) Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related shall be documented on a report form.
 - 1. The reporting deputy shall describe why the incident may be criminal street gang related and document statements, actions, dress, etc. that would tend to support the belief that involvement of a criminal street gang has occurred.
 - 2. The deputy shall specifically indicate that a copy of the report be routed to the Gang Unit.
- (b) The deputy shall specifically indicate that a copy of the report be routed to the assigned gang deputy by marking the "Gang" box at the top of the OAI report form.

Deputies completing a FI card under the guidelines above shall forward the FI card to the Criminal Records Bureau for RMS entry. After RMS entry, the Criminal Records Bureau shall forward the original FI cards to gang deputies for Cal-Gang entry and/or further evaluation prior to file retention by gang deputies.

442.9.1 SHARED GANG DATABASE TRAINING

The Training Lieutenant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Office (Penal Code § 186.36; 11 CCR 751.6).

442.9.2 TRAINING

The Training Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Watch Commander or Shift Sergeants

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives.

444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances, the senior qualified sergeant shall be designated as acting Watch Commander for that patrol bureau. This policy does not preclude designating a less senior deputy as an acting Watch Commander when operational needs require or training permits.

Mobile Audio/Video

446.1 PURPOSE AND SCOPE

The Santa Barbara County Sheriff's Office has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

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

Prior to going in service, each deputy will turn on the MAV to ensure the system is operational. The deputy will log on to the system with his/her user identification and then synchronize his/her wireless microphone. If the system is malfunctioning, the deputy shall take the vehicle out of service, unless a supervisor requests the vehicle remain in service. At the end of each patrol shift, the deputy should up-load the captured video to the server via the wireless access point located at each station.

446.3 ACTIVATION OF MAV

The MAV is automatically initiated when the patrol car's overhead lights are activated. The video system remains on until turned off manually inside the vehicle. The audio portion is also activated automatically when the overhead light switch is activated. The audio and video can also be activated remotely by switching the wireless microphone to the "on" position.

446.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used; however, there 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. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera; however, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV.

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If the MAV system is functional, activation of the MAV system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which include:
 - 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
- (b) All self-initiated activity in which a deputy would normally notify the Dispatch Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) 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 other similar situations.

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.

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446.4 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Sheriff or the authorized designee
- (i) By the media through proper process or with permission of the Sheriff or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

446.5 DOCUMENTING MAV USE

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked as evidence will be retained for a minimum of three years after which time it will be erased, destroyed, or recycled (Government Code § 34090.6).

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446.5.1 COPIES OF VIDEO RECORDINGS

A copy of the digital video will be made by the Department's Forensics Bureau upon proper request for any person authorized in Policy Manual § 446.4.

446.5.2 MAV RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Shift Supervisor or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

Mobile Digital Computer Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center.

448.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.3 POLICY

Santa Barbara County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

448.4.1 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.

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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.

448.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the bureau radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

448.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the bureau radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the bureau radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the bureau radio.

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448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Santa Barbara County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.2 POLICY

The Santa Barbara County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity for this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, SBSO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

450.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should ensure that appropriate steps are taken to preserve portable audio/video recordings as soon as practical when the device may have captured an incident involving the use of force, an officer-involved shooting, death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

450.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the the Dispatch Center
- (d) During Miranda Rights advisement and obtaining verbal consent to search
- (e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Once a Portable Audio / Video Recorder 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 other similar situations.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

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450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

Absent a legitimate law enforcement purpose, deputies should not activate or allow their portable audio video recorder to continue recording when exchanging information with other deputies, during breaks, lunch periods, when not in service, or actively on patrol.

450.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for non-official use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Personally owned audio/video recording devices, including body-worn cameras, must be approved by the department's System and Technology Bureau prior to use in the course of employment.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.

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- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than three years.

450.8 ACCESS TO AUDIO RECORDINGS

The Dispatch Center maintains a logging recorder which records all radio traffic on frequencies to which the Dispatch Center has access. The logging recorder also records all telephone calls on the incoming 9-1-1 emergency telephone trunks, associated seven-digit telephone lines, and telephone extensions which terminate in the Dispatch Center.

Information from the logging recorder, including taped or digital copies of recorded material, may be requested by supervisory personnel of the user agencies whose radio traffic and/or telephone conversations have been recorded. However, a user agency may not request any digital recordings of another agency through the Dispatch Center, with the exception of the Emergency Medical Services agency who has oversight over all medical incidents in the County. The Emergency Medical Services agency is authorized to have access to only medical related incidents on the digital recorder.

The Dispatch Center managers, supervisory personnel, and training officers are authorized to have access to any and all recordings for the purpose of continuous quality improvement, customer service assurance, and training.

Outside agencies may not request recorded information concerning a user agency through the Dispatch Center. Permission to receive that information must be obtained via the user agency.

A subpoena or signed court order must be obtained by any defense or private attorney or any other outside party who requests copies of information from the logging recorder.

All requests for taped or digital copies of recorded material from the logging recorder will be documented on the appropriate form maintained by the Dispatch Center. Only personnel who have received the appropriate training are authorized to make these copies once processing fees are paid in full.

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450.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. 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 or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (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 Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.10 COORDINATOR

The Systems & Technology Bureau Manager or designee shall coordinate the use and maintenance of department owned portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

452.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the State Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than eight ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered).

452.2 POLICY

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

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However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Santa Barbara County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

452.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

452.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is reasonable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

Deputies who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). The Special Investigations Bureau should be consulted regarding investigations involving cardholders with more than the statutory amount of marijuana .

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452.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the deputy reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5).

Deputies are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Deputies should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Deputies should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

452.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).

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4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors, the climate, etc.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under MMP (Health & Safety Code § 11362.775; Business and Professions Code § 19320 et seq.).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

452.3.5 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
1. In any place where smoking is prohibited by law.
 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 3. On a school bus.
 4. While in a motor vehicle that is being operated.
 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

452.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful

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may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 19317; Business and Professions Code § 19319).

452.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

452.5 PROPERTY AND EVIDENCE OFFICER'S RESPONSIBILITIES

The Property/Evidence Officer should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and until the case is adjudicated. The Property/Evidence Officer is not responsible for caring for live marijuana plants nor are there any special storage considerations for medical marijuana evidence.

Upon the prosecutor's decision to forgo prosecution, the dismissal of charges or an acquittal, the Property/Evidence Officer should, as soon as possible, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property. However, per the department policy and procedure, before any alleged medical marijuana is returned, the following two conditions must apply:

- The defendant must have been issued a medical marijuana card or recommendation at the time of the arrest (he or she claimed they had a medical recommendation/card but did not have it in their possession at the time of the arrest)
- The defendant must make an appointment with the Property/Evidence Officer to pick up the seized items and at the time of the appointment, they must have a valid identification and valid marijuana medical recommendation/card. As with any medication/prescription, these items will not be released to any person other than the patient to whom the marijuana was prescribed.

If the above two conditions are not met, the owner of the seized items will be instructed to get a court order to have their marijuana and other contraband items returned. The marijuana will be held for a reasonable length of time, pending the receipt of the court order.

If the Property/Evidence Officer receives notice from the district attorney or court that no charges will be filed, the case was dismissed or the defendant was acquitted, the Property/Evidence Officer will mail written notice to the owner that the medical marijuana will be held for thirty days pending owner retrieval. If, after thirty days, the owner does not respond to the written notice, the marijuana will be destroyed per current department policy and procedure.

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The Property/Evidence Officer may release marijuana to federal law enforcement authorities (if the case will be tried federally), upon presentation of either a valid court order, formal demand by a federal officer, written order from the case detective or written order by the prosecutor.

Crime Guns

455.1 PURPOSE AND SCOPE

The California Department of Justice mandates the entry into CLETS of firearms that have been found or taken as evidence and whether or not they should be classified as "Crime Guns" in CLETS. Entering a firearm as a "Crime Gun" into CLETS classifies the firearm separately and requires more information about the found or evidentiary firearm. The entry also generates a separate message notifying the Bureau of Alcohol, Tobacco and Firearms (ATF) so that ATF can begin the process to identify and trace the "Crime Gun."

455.2 DEFINITION

A "Crime Gun" by definition is a firearm in the possession of the Department that has:

- a. been used in a crime; or
- b. been suspected of being used in a crime; or
- c. been possessed illegally (including a stolen firearm); or
- d. been used in a suicide; or
- e. been taken as found property.

455.3 RESPONSIBILITIES

It is the duty of the deputy who handles the call and writes the appropriate report to determine whether or not the firearm he/she is booking into evidence is a "Crime Gun." The deputy shall complete a Crime Gun Worksheet and include the four (4) digit NCIC offense code in the report. Codes are available to view on the Intranet under Procedure/Operations Guides - NCIC 2000 Code Manual. The Crime Gun Worksheet can be found in the SBSO-Patrol Word templates.

The deputy shall also run the firearm in CLETS to learn its status, attaching a copy of the CLETS return to the report. He/she must also note in the report that the firearm is a "Crime Gun" and submit a completed Crime Gun Worksheet with the firearm(s).

The deputy shall note in the report if a test fire and NIBIN submission is requested before the firearm can be released. No revolvers or shotguns will be NIBIN processed.

Entry into CLETS of "Crime Guns" booked into either the Santa Barbara County or the Santa Maria Property Room shall be the responsibility of the clerical staff of either the Santa Barbara County or the Santa Maria Property Room.

Public Recording of Law Enforcement Activity

462.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

462.2 POLICY

The Santa Barbara County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

462.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
 - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

462.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

462.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

462.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Homeless Persons

463.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Santa Barbara County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Santa Barbara County Sheriff's Office will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following when serving the homeless community.

463.1.1 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

463.2 HOMELESS COMMUNITY LIAISON

The Sheriff will designate a member of this office to act as the Homeless Liaison Deputy. The responsibilities of the Homeless Liaison Deputy include the following:

- (a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this office involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

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463.3 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

463.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

463.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the office Homeless Liaison Deputy. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the office Homeless Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Deputy to address the matter in a timely fashion.

463.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

463.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Crisis Intervention Incidents

464.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

464.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

464.2 POLICY

The Santa Barbara County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

464.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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Crisis Intervention Incidents

464.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

464.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 - 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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464.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

464.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous bureau response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

464.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

464.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

464.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

464.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

464.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

464.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with mentally disabled persons, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

First Amendment Assemblies

465.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

465.2 POLICY

The Santa Barbara County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

465.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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465.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

465.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

465.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

465.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

465.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

Topics for consideration within the operational plan include:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

465.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

465.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

465.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

465.8 ARRESTS

The Santa Barbara County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

465.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

465.9.1 MEDIA ACCESS

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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465.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

465.11 AFTER ACTION REPORTING

The Incident Commander should designate a member to complete a departmental After-Action report including the following

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

465.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

465.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

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- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

465.13.1 USE SUMMARY

The applicable Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the office website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the information required in Penal Code § 13652.1.

465.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Civil Disputes

466.1 PURPOSE AND SCOPE

This policy provides members of the Santa Barbara County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

466.2 POLICY

The Santa Barbara County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

466.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

466.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

466.4.1 STANDBY REQUESTS

Deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

466.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

466.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Automated License Plate Readers (ALPRs)

467.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

467.2 POLICY

The policy of the Santa Barbara County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this office. Because such data may contain confidential information, it is not open to public review. However, we will make our policy, aggregated usage and audit data available via the Flock Transparency Portal.

467.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Santa Barbara County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Criminal Investigations Division Commander. The commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

467.3.1 ALPR ADMINISTRATOR

The Criminal Investigations Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.

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- (g) Ensuring this policy and related procedures are conspicuously posted on the Sheriff's Office website.

467.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Sheriff's Office members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this office shall operate ALPR equipment or access ALPR data without first completing Sheriff's Office-approved training.
- (e) No ALPR operator may access office, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

467.5 DATA COLLECTION AND RETENTION

The Criminal Investigations Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Generally, ALPR data will not be downloaded and retrained on SBSO servers unless it is relevant to a criminal investigation conducted by the Sheriff's Office or another California law enforcement agency upon official request.

All ALPR data that is downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

467.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Santa Barbara County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or Sheriff's Office-related civil or administrative action.
- (c) LPR system audits should be conducted on a regular basis

For security or data breaches, see the Records Release and Maintenance Policy.

467.7 RELEASING ALPR DATA

The ALPR data may be shared only with other California law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Criminal Investigations Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

With approval of the Sheriff, the Sheriff's Office may share aggregated, non-identifiable ALPR usage data to assist in statistical analysis of ALPR usage by the Sheriff's Office.

467.8 TRAINING

The Criminal Investigations Division Commander should ensure that members receive Sheriff's Office-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Santa Barbara County Sheriff's Office. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

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.

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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 or not the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

A 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, the following:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign "Notice to Appear"
- (e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his/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 American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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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.

Traffic Collision Documentation

502.1 PURPOSE AND SCOPE

This policy provides guidelines to the investigation, documentation and dissemination of traffic collisions within the area of responsibility of the Sheriff's Office. The Sheriff's Office will document traffic collisions in compliance with the California Highway Patrol (CHP) Collision Investigation Manual (CIM) and this policy. A collision is "documented" by means of an investigation and written traffic collision report. The exchange of information is not considered documentation of a traffic collision.

502.2 RESPONSIBILITY

The Sheriff's Office is responsible for traffic collisions which occur within the boundaries of the Sheriff's Office contract cities and will be documented and reported as described within this policy. Traffic collisions which occur within the contract cities should be documented by Sheriff's Office personnel, but, as described within this policy, may be conducted by an outside agency.

Traffic collisions which occur outside the Sheriff's Office contract cities will be documented by the respective agency responsible for traffic enforcement in that area, unless that agency requests the Sheriff's Office to conduct a courtesy investigation. Any courtesy documentation will be forwarded to the responsible agency for reporting and further investigation.

The contract city Chief of Police, or designee, will be responsible for distribution of the CIM to all personnel assigned to investigate traffic collisions within contract cities. The contract city Chief of Police will receive all changes in the CIM and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

After approval by a field supervisor, all documentation of traffic collisions completed by members of the Sheriff's Office shall be forwarded to the Criminal Records Bureau for data entry into the Sheriff's Office Records Management System. The Criminal Records Bureau supervisor will be responsible for providing any requests for statistics on traffic collisions and will provide those statistics to the geographical area Operations Division Commander or his/her designee upon request.

Criminal Records Personnel will forward the required traffic collision reports generated from within the Sheriff's Office contract cities to the Statewide Integrated Traffic Records System (SWITRS) as indicated in the CIM. All courtesy report traffic collisions shall be sent to the responsible agency for processing.

502.4 REPORTING SITUATIONS

The following documented collision requirements are for instances when the collision occurs within one of the Sheriff's Office contract cities. If any of these collisions occur outside the Sheriff's Office contract cities, they are to be documented by the agency responsible for traffic collisions for that specific jurisdiction.

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502.4.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES DRIVEN BY NON-OFFICE PERSONNEL

Traffic collisions involving a County-owned vehicle driven by a non-Sheriff's Office personnel which results in any damage or injury shall be documented by Sheriff's Office personnel if the collision occurs within the boundaries of any Sheriff's Office contract city. A Sheriff's Office Memorandum may be completed in lieu of a traffic collision documentation (CHP 555 Form) at the direction of a Sheriff's Office supervisor when the collision occurs on private property or does not involve another vehicle, and is not considered a reportable collision to DMV. Damage to a County vehicle shall also be documented as described in Policy 706 (including the documentation and submission of the County's vehicle collision form).

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.4.2 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLE DRIVEN BY DEPARTMENT PERSONNEL

Traffic collisions involving a Sheriff's Office employee, either on-duty or off-duty, while driving a County-owned vehicle which results in any damage or injury will be documented as directed by the field supervisor of the geographical area where the collision occurred. Collisions which only involved damage to County-owned property may be documented via an administrative investigation in lieu of a traffic collision report, at the discretion of the field supervisor. Collisions which involve any injury, or any damage to property not owned by the County shall be documented via a traffic collision investigation. If the collision occurred within the boundaries of a contract city serviced by the Sheriff's Office, the field supervisor may request the CHP, or designate an uninvolved Sheriff's Office employee to complete the collision investigation. Collisions which occur outside of a contract city will be documented by the law enforcement agency responsible for traffic enforcement for that jurisdiction. Whether the traffic collision investigation is conducted by a Sheriff's employee or an outside agency, the documentation shall be forwarded to the supervisor of the Sheriff's Major Accident Response Team for review.

The field supervisor will also conduct an administrative investigation as described in Policy 706. The field supervisor's report will then be forwarded to the involved employee's Division Commander.

The Risk Assessment Unit may be assigned to work exclusively under the direction of the Sheriff's Office legal counsel to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

502.4.3 TRAFFIC COLLISIONS INVOLVING OTHER COUNTY EMPLOYEES OR OFFICIALS

The on-duty supervisor may request assistance from the CHP and/or a supervisor of the Sheriff's Major Accident Response Team for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

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502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the CIM, a traffic collision occurring off highway (on public/private property) shall be documented if any of the following exist:

- there is a death or injury to any person involved;
- a hit-and-run violation; or
- a violation of driving while under the influence of alcohol/drugs.
- at the request of a supervisor.

Deputies responding to collisions occurring off highway that do not require documentation should assist the involved parties in exchanging the required information.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

In compliance with the CIM, a traffic collision documentation shall be documented when the collision occurs on a highway under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When there is an identifiable violation and prosecution will be sought
- (c) At the discretion of any supervisor.

Documentation may also be completed at the request of any involved party.

The definition of a "highway" is as described in the CIM.

502.4.6 EXCHANGE OF INFORMATION

If the circumstances of a collision do not require documentation as described within this policy, the investigating deputy may assist the involved parties in exchanging the required information.

Information gathered to assist exchange of information between the involved parties is not considered "documentation" as per this policy.

502.4.7 DIAGRAMS

A Sketch diagram shall be included in all collision documentation. A Sketch diagram shall be drawn per the CIM instructions.

A Factual diagram shall be included in all collisions that meet any of the following conditions:

- Results in the death of a person (on or off highway);
- Results in severe injury and the victim has the potential of dying or being permanently incapacitated;
- Location of evidence used to prove fault.

A Factual diagram shall be drawn per the CIM instructions.

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502.5 SHERIFF'S MAJOR ACCIDENT RESPONSE TEAM

The Sheriff's Major Accident Response Team (SMART) is responsible for investigating any traffic collision within a contract city where serious injury or a fatality occurs, or whenever requested by the Chief of Police of the contract city, or when requested by the Sheriff. SMART may also assist other divisions or agencies at the discretion of the SMART sergeant or senior deputy, when approved by a person at the rank of lieutenant or higher.

Team Composition - SMART will be comprised of one (1) sergeant, one (1) senior deputy and five (5) deputies.

Activation - SMART shall be activated at the request of the on-scene field supervisor. The geographical area Division Commander or on-duty lieutenant for the area where the traffic collision took place shall be notified regarding a SMART response. In any traffic collision involving the following, the SMART sergeant or senior deputy and the on-duty lieutenant shall be contacted for a possible response:

- (a) Fatality;
- (b) Serious injury in which a fatality will most likely result;
- (c) Critical injury involving multiple vehicles;
- (d) Any collision involving significant liability to a contract city;
- (e) Any collision that results in the spillage of hazardous material which seriously threatens life, property, or agricultural or wildlife areas;
- (f) Any vehicle collision at the direction of the Sheriff or his/her designee.

Duties - The SMART sergeant, senior deputy, or highest-ranking deputy responsible for the incident shall make the determination of the number of team members and additional resources that are to respond.

At the scene of a major collision, the SMART sergeant, senior deputy, or deputy responsible for the investigation shall consult with the on-scene supervisor to determine what resources are needed to complete the investigation. SMART shall be responsible for assigned traffic follow-up investigations, factual diagrams, and the submission of these documents to the District Attorney for prosecution in criminal cases. In any traffic collision involving a fatality, the investigation shall be submitted to the District Attorney for review of possible criminal charges in connection with the death.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Santa Barbara County Sheriff's Office. Nothing in this policy shall require the Sheriff's Office to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

The removal of a vehicle as authorized by California statute is also required to be constitutionally reasonable based on the specific situation. Judicial precedent deems the warrantless removal of a vehicle a seizure subject to the protections of the Fourth Amendment of the Constitution of the United States that is permissible only pursuant to a recognized exception to the warrant requirement. Case law permits removal of a vehicle by a peace officer:

- In furtherance of an officer's criminal investigation function, such as removing a vehicle used in a crime for the collection or preservation of evidence; or
- Pursuant to an officer's community caretaking function, such as removing a vehicle to safeguard the vehicle's contents, to ensure the safe flow of traffic, or to remove an illegally parked vehicle or a public nuisance.

Vehicle Code § 22650 has been amended to require that any removal must be to achieve a "community caretaking" need. It is no longer sufficient that one of the circumstances set forth in Vehicle Code § 22651 is present.

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.

Sheriff's Office personnel who believe that a vehicle was stored in error should promptly advise a supervisor. The circumstances of the storage should be brought to the attention of a field supervisor for review and determination of the validity of the storage. Vehicles determined to have been stored in error should be released to the registered owner and/or agent as soon as practical and, depending on the circumstances, the Sheriff's Office should pay for the tow service.

510.2.1 VEHICLE STORAGE REPORT

Sheriff's Office members responsible for the towing of a vehicle shall document the tow on a CHP180 form, including accurately recording the mileage (Vehicle Code § 22850). A separate CHP180 is required for each vehicle towed, including:

- A trailer attached to the intended vehicle to be towed;
- A boat or any other vehicle on, or attached to, the intended vehicle to be towed.

Any vehicle towed at the request of the owner does not require the completion of a CHP180 form.

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A copy of the CHP180 should be given to the tow truck operator at the time of storage. The original CHP180 shall be supervisor approved and submitted to the Records Bureau as soon as practicable after the vehicle is stored.

If the deputy intends to place a specific time-frame hold on the vehicle, it should be written at the top of the completed CHP180 (5-day, 15-day, 30-day Hold or Evidence Hold). A vehicle towed with no specific time to be held does not require any notation.

The deputy shall indicate on the CHP180 the proper Vehicle Code section for the storage in the "STORAGE AUTHORITY/REASON" box. The deputy does not need to input any information within the "RELEASE VEHICLE TO:" box, including whether any fees are required. The tow company and Sheriff's Office employees responsible for releases will determine the proper information required to release the vehicle based on the Storage Authority section indicated. The deputy should complete the CHP180 as indicated in the most current CHP180 Instructions memorandum. The CHP180 form shall be a stand-alone report unless any type of investigation is required, such as a stolen/recovered stolen vehicle report.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES OR TRAFFIC HAZARDS

One of the responsibilities of a deputy at the scene of a traffic collision or a traffic hazard is the need to clear any traffic hazards as quickly as possible to avoid further aggravating incidents and to return the flow of traffic to its normal fashion. Should a vehicle be required to be towed, and based on the circumstances at the scene, the deputy should determine whether it is the driver's or deputy's responsibility to have the vehicle towed.

If the owner/driver is responsible for the tow, then the deputy should have the driver select either:

- a tow company,
- use the next available tow company from our Tow Rotation Program, or
- utilize their third-party tow service provider, if the circumstances allow as indicated within this policy.

The deputy should relay the owner's/driver's request to dispatch. No CHP180 form is required if the vehicle is being towed at the driver's request.

If the deputy has a legal authority to take responsibility for the storage then the owner/driver does not have the choice of a tow company. Upon the Sheriff's Office taking responsibility for the tow of the vehicle, the deputy shall request Dispatch to call the next tow company on the Tow Rotation Program list. The deputy shall document the towed vehicle by completing a CHP180 under the appropriate tow authority.

Instances where a vehicle is disabled in a roadway, caused by a traffic collision or mechanical failure, it is discouraged to have a third-party roadside service (AAA, Geico, Sam's Club, etc.) contacted for the tow response, especially if the vehicle is in such a position that it requires the deputy to remain on scene for traffic control purposes. Often, the coordination with a third-party roadside tow service requires additional time to make the request, along with the response time. There is no ability to control the response time from a third-party roadside service, which could very

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easily get interrupted due to a law enforcement tow request elsewhere. Thus, it is recommended that when a deputy has such an instance where they must remain on scene for traffic control purposes they either have the driver select a specific tow company or they offer to the driver the next tow company on our Tow Rotation Program to respond to the scene. If a deputy is not needed to remain on scene, then the third-party roadside service may be used.

Each third-party tow service has their own procedures and contract agreement with their clients. A deputy is only to facilitate the initial contact of the third-party tow service request and confirm that the driver, or whomever is taking responsibility for the tow, remain at the scene until the tow company arrives.

A deputy may utilize their front push bumper on their patrol vehicle to move a disabled vehicle from the roadway, if such an instance requires. Moving vehicles with the push bumpers should be reserved for circumstances when the movement is not capable in any other manner, requires an immediate response or is the desired request of the other driver. Alternative measures should be evaluated based on the circumstances, such as physically pushing the vehicle, rolling/coasting the vehicle to a desired location. Moving vehicles with the push bumper may cause damage to either the patrol vehicle or the other vehicle if not completed properly. Prior authorization should be obtained from the driver before pushing a vehicle with a patrol vehicle. If the need to push the vehicle is required, it is recommended that the deputy position their patrol car in such a way to minimize any damage.

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 office to provide reasonable safekeeping of the vehicle by considering the community caretaking doctrine. After such review, if the deputy determines it would be reasonably necessary that the vehicle be stored, the deputy should then determine the proper Vehicle Code authority for the storage. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest, with the understanding that the arrestee would be released from custody prior to 72-hours and not cause a separate violation of parking for over 72 hours.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the registered owner of the vehicle is present, willing, and able to take control of their vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Office will not be responsible for theft or damages.

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510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving in violation of Vehicle Code § 12500(a) without a valid driver's license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released (Vehicle Code § 2814.2(c)).

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint it is handled the same as an enforcement stop.

510.2.5 RECOVERED STOLEN VEHICLE

Upon location of a stolen vehicle, the deputy shall notify the reporting agency that it was located and determine if they are going to respond to handle the recovery of the vehicle.

If the reporting agency does not handle the recovery, Dispatch or Records personnel shall input the vehicle as "Located" in the Stolen Vehicle System. The deputy shall ascertain from the reporting agency if any particular processing is requested on the vehicle or if it should be impounded.

If the recovered vehicle does not require any special processing or to be impounded, the deputy shall attempt to contact the Reporting Party (R/O) to determine if they can respond to the scene and take possession of the vehicle. If the Reporting Party cannot respond to the scene within a reasonable time frame, the vehicle shall be STORED by the next rotational tow company through Dispatch.

510.2.6 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by bureau personnel unless specific circumstances require the vehicle to be given during the official course of duty of the deputy.

510.2.7 VEHICLE STORAGE - CORONER'S CASES

Vehicles in relation to a coroner's case may require circumstances when it should be towed for safekeeping. When towed, the vehicle shall be STORED for safekeeping under the California Government Code § 27491.3 and should be taken to the designated Department Impound Yard to alleviate any daily storage fees to accrue for the next of kin.

Because the tow fees charged to the Department have been established through the Department's Tow Service Agreement, the deputy shall use the next tow company on the rotation list through dispatch.

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510.2.8 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.

510.2.9 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Supervisor for approval, if not already approved (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into Laserfiche 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 Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers.

Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6 (a)(2).

- (a)
- (b)
- (c)
- (d)
- (e)

510.3 TOWING SERVICES

Through the Tow Service Agreement (TSA), the Department shall approve tow companies to participate in the Department Rotation Tow Program. These tow companies shall be placed on a list by dispatch, in relation to their approved designated area. Tow companies will be utilized in the following situations:

- (a) When a person in control of a vehicle requests a non-specific tow company to provide a service
- (b) When it is necessary for the Department to safeguard a vehicle due to the inability of the owner or operator to take the required action (recovery of stolen vehicle, driver arrested, parking violations, etc.):
- (c) When it is necessary for the Department to impound a vehicle as evidence in connection with any investigation; NOTE: Whenever possible, a vehicle impounded as evidence of a crime should be secured within a Department facility to insure the

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proper Chain of Evidence. This is especially true for any vehicle for which a search warrant is being sought.

(d)

NOTE: Whenever possible, a vehicle impounded as evidence of a crime should be secured within a Sheriff's Office facility to insure the proper Chain of Evidence. This is especially true for any vehicle for which a search warrant is being sought.

The Sheriff's Office shall also select specific tow companies to contract with the towing of county vehicles. These tow companies should be used to tow all county vehicles.

510.3.1 "NO PREFERENCE ROTATIONAL" TOWING SERVICES

A deputy's request for a tow company to respond shall be through dispatch utilizing the rotation tow list. The exception for using a specific tow company list is as follows:

- a) A registered owner or other person in charge of a vehicle requests a specific tow company to respond and the vehicle is not being towed at the direction of the deputy;
- b) The deputy on scene of an incident requires a specific tow company when, in their opinion, the necessary resources to clear a hazard are not available from the tow company currently at the top of the rotation tow list. In such instances, the selected tow company shall be placed at the bottom of the rotation list.

Tow companies on the Sheriff's Office Tow Program shall comply with the agreed TSA. Any complaint alleging a violation of the TSA or other misconduct by a "Rotational Towing Service" operator shall be investigated as depicted in the TSA. The Sheriff's Office may periodically review the performance of each authorized tow operator.

The Sheriff's Office will assist citizens by calling any towing company desired. If the citizen has no preference and requests that a deputy call a towing company, one of the authorized firms shall be called in rotation. Unless the deputy will be taking responsibility of having the vehicle towed, the deputy should notify dispatch that the tow request is "owner's request" as indicated above and no CHP180 form is required.

All deputies are specifically prohibited from soliciting, directly or indirectly, or recommending any garage or tow service.

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 bureau custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

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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) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

- (a)
- (b)
- (c)
 - 1.
 - 2.
 - 3.
 - 4.

The Sheriff's Office will maintain a listed, 24-hour telephone number to provide information regarding the storage of vehicles and the rights of the registered owner to request a hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours at a Sheriff's Office station (Vehicle Code § 14602.6).

Vehicles can only be released to the R/O, Agent or legal owner. If the vehicle is to be released to someone else (not the R/O, Agent or legal owner), the R/O will need to provide personal or written authorization. The driver's license of the person intending to drive the stored/impounded vehicle from the tow yard shall be confirmed valid at the time the vehicle is to be released.

The Sheriff's Office shall not require any documents from registered owners, agents or legal owners to be notarized (Vehicle Code § 22850.5). All documents obtained from the registered owner, agent or legal owner shall be photocopied and placed into Laserfiche under the specific report number for future reference.

At no time is a vehicle storage/impound hearing required prior to release of a vehicle. Refer to the Vehicle Storage/Impound Hearings policy for further information regarding the hearings.

In general, the following is a guide of a vehicle release procedure:

- (a) Registered owner present or authorization from registered owner to release vehicle;
- (b) Determine whether the vehicle is eligible to be released;
- (c) Collect the Administrative Fee, if required;
- (d) Confirm the stored vehicle has valid registration;
- (e) Confirm the person intending to drive the vehicle has a valid driver's license;

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- (f) Provide Vehicle Disposition form to tow company via fax and/or email.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed for any specific requirements prior to release.

Employees who suspect that a vehicle was stored in error should promptly advise a supervisor and refer to the remainder of this policy for further information regarding vehicle releases.

510.6.1 VEHICLE RELEASE DURING REGULAR BUSINESS HOURS

During regular business hours, Records Bureau personnel shall provide the applicable tow company a Vehicle Disposition form after all of the release requirements have been met based on the reason for the storage of the vehicle. This form is not provided to the R/O or Agent.

This Vehicle Disposition form will indicate whether the vehicle may be released, who was identified to be the driver and confirmation the Administrative Fee had been paid (if applicable).

Vehicles stored under Vehicle Code § 22651(i), 22651(j), 22651(o), 22651(p), 21651.3, 22655, 22655.5, 14602.6 and 23109.2 require specific information prior to being released. Refer to the specific Vehicle Code section to determine the required information prior to release. Vehicles stored pursuant to California Government Code § 27491.3 can only be released to the next of kin identified by a detective from the Coroner's Bureau. Vehicles stored pursuant to any other Vehicle Code section shall be released pursuant to Vehicle Code § 22850.3.

All stored vehicles, once determined eligible to be released, require proof of current registration (Vehicle Code § 22850.3), a driver with a valid driver's license and the Administrative Fee paid (if required pursuant to Vehicle Code § 22850.5).

The Administrative Fee (Vehicle Code § 22850.5) shall be required for all vehicles stored, except for to following: Vehicle Code § 22651(c), 22651(g), 22653(a), 22654(e), 22655.5 and California Government Code § 27491.3. The Administrative Fee is waived for stored vehicles which are released to a legal owner (Vehicle Code § 22850.4 and 14602.6(f)(1)).

A vehicle towed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent prior to the end of the 30-day impoundment period under any of the circumstances listed within Vehicle Code § 14602.6(d). Proof of current registration, proof of a valid driver's license and applicable fees paid prior are also required upon release (14602.6(d)). The vehicle should be released when there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

Vehicles stored pursuant to Vehicle Code § 14602.6(a) and released to the legal owner early requires the information listed within Repossessions (policy § 510.6.3) except for the Certificate of Repossession. Once this information has been confirmed, a Legal Owner Early Release Agreement form shall be completed and provided to the applicable tow company and the legal owner.

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A valid one-day temporary moving permit from DMV is an acceptable form of valid registration. Sheriff's Office personnel shall input the current date on the one-day moving permit. Planned Non-Operation (PNO) is not valid registration.

The following are DMV codes in relation to determining whether the registration is valid:

- RIP – an incomplete transaction that requires the registered owner to provide additional documentation and/or fees (not valid registration).
- TIP – a recently completed transaction. The record will not reflect the recent transaction information until the update is completed, which may take two to ten days (valid registration).
- SIP – a transaction has been completed by the registered owner, but DMV has not completed their part (not valid registration).

A person intending to drive the stored vehicle from the tow yard is required to have a valid driver's license. A driver who has a Instruction Permit must have all of the restrictions met in order to make the permit a valid license. Sheriff's Office personnel responsible for releasing vehicles may need to utilize other systems in order to positively identify a person, especially if the person does not have their identification in their possession at the time of the request.

Upon our release of the stored/impounded vehicle, a Vehicle Release form shall be provided to the applicable tow company indicating whether the vehicle may be released, who was identified to be the driver and confirmation the Administrative Fee had been paid (if applicable). This form is not provided to the registered owner or person authorized to take possession of the vehicle.

510.6.2 VEHICLE RELEASE AFTER REGULAR BUSINESS HOURS

Vehicle releases after regular hours will be conducted by the applicable tow company. The tow company will notify the R/O and/or Agent to respond to the nearest Sheriff's Station to have the registration and driver's license confirmed by a deputy. The deputy or dispatch will then notify the tow company of the registration and driver's license status. It will be the tow company's responsibility to confirm whether the vehicle may be released without further authorization from the Department and collect all of the appropriate fees.

Dispatch will attach all CLETS and DMV information to a call-log for future reference.

Vehicles towed for the following Code sections cannot be released after regular hours without the tow company first obtaining a Vehicle Release form from this Department: Vehicle Code § 22651(i), Vehicle Code § 22651(j), Vehicle Code § 22651(o), Vehicle Code § 22651(p), Vehicle Code § 21651.3, Vehicle Code § 22655, Vehicle Code § 22655.5, Vehicle Code § 14602.6, Vehicle Code § 14602.8, Vehicle Code § 23109.2, and California Government Code § 27491.3. Refer to the specific Codes for the proper procedure prior to release.

At no time is the deputy or dispatch required to provide any indication of whether the vehicle may be released, but only whether the registration and driver's license is valid or not.

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510.6.3 REPOSSESSIONS

Stored vehicles may be repossessed by legal owners. Legal owners are defined as a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle (Vehicle Code § 14602.6(f)(1)).

Repossessions require the following information (Vehicle Code § 14602.6(f)):

- (a) A copy of the assignment (Business & Profession Code § 7500.1(b)), which is the written authorization from the legal owner for their own employee, or a repossession company/driver to take possession of the vehicle;
- (b) A certificate of repossession, a security agreement for the vehicle, or the title (whether paper or electronic) showing proof of legal ownership of the vehicle;
- (c) Copy of the repossession agency business license or registration;
- (d) Hold harmless form on business letterhead or the Department's hold harmless form;
- (e) Valid driver's license of person taking possession of the vehicle.

A vehicle which is repossessed is exempt of valid registration (Vehicle Code § 4022).

Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. No documentation shall be required to be notarized (Vehicle Code § 14602.6(f)).

No administrative costs authorized under Vehicle Code § 22850.5 shall be charged to the legal owner. No post hearing is required prior to release (Vehicle Code § 14602.6(f)).

510.6.4 RENTAL VEHICLE

Rental vehicles should be released to a rental agency agent at the scene of the incident, if possible.

Stored vehicles which are registered to a rental company shall be released to an agent of the rental company, unless an agent of the rental company provides proper documentation that it should be released to another person.

Typically, administrative fees should be waived when the rental vehicle is released.

510.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Vehicle Storage or 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 § 14602.6, Vehicle Code § 22852 and Vehicle Code § 21851.3.

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle.

512.2 STORED OR IMPOUND HEARING REQUEST

When a vehicle is stored or impounded by any member of the Santa Barbara County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)). Vehicles stored under Vehicle Code § 22669 also includes "interested persons" as one eligible to request a hearing (Vehicle Code § 22851.3(d)).

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 § 22851.3(d); Vehicle Code § 22852(b)).

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

512.2.1 HEARING PROCEDURES

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 § 22851.3(e); Vehicle Code § 22852(c)).

The Station Lieutenant from the area the vehicle was towed from will generally serve as the hearing officer. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

The person requesting the hearing may record the hearing at his/her own expense.

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); Vehicle Code § 14602.8(b)).

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Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

512.2.2 HEARING DECISION

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.

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.

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)).

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 already 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 Sheriff's Office.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Santa Barbara 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.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

514.4 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

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- (c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.4.1 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the deputy shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.4.2 BREATH SAMPLES

The Traffic Sergeant 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 Traffic Sergeant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

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514.4.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.4.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

514.4.5 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.4.6 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.4.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol

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in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.5 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

514.5.1 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 (Penal Code § 1524).
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.5.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

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- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.5.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

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 crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.7.2 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.

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, along with DWI citation and release procedures in remote areas.

516.2 RESPONSIBILITIES

The Information Services Division lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Law Enforcement Operations lieutenants shall be responsible for the supply and accounting of all traffic citation books issued to employees of the 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 station lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the station lieutenant may request the Operations Division Commander 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.

516.3.1 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be attached to a Voided Document incident report that has been completed by the issuing deputy.

516.3.2 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and is in need of correction, the deputy issuing the citation shall submit the citation and a citation correction form to the Criminal Records Bureau. The citation and citation correction form shall then be forwarded by the Criminal Records Bureau to the appropriate court, and a copy of the citation correction form will be mailed to the recipient of the citation.

516.3.3 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Department shall be forwarded first to the employee's immediate supervisor for review. The citation copies shall then be filed with the Criminal Records Bureau.

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Upon separation from employment with the Department, all employees issued traffic citations books shall return any unused citations to the Operational Lieutenant.

516.4 VOIDING TRAFFIC CITATIONS

Disposition of parking citation appeals is conducted pursuant to Vehicle Code § 40215.

516.4.1 APPEAL STAGES

Appeals on parking citations may be pursued by the following:

- (a) Administrative reviews are conducted by the station lieutenant or his/her designee who will review written/documentary data related to the citation issuance and the appeal. Requests for administrative reviews must be submitted through the agency utilized by the Department for the processing of parking citations.
- (b) If the appellant wishes to pursue the matter beyond an Administrative Review, a superior court appeal 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.

516.4.2 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).

516.4.3 COSTS

There is no cost for an administrative review.

Appellants must pay the full amount due for the citation or provide satisfactory proof of their inability to pay before receiving an administrative hearing.

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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516.5 CORRECTION OF TRAFFIC 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.

516.6 DISPOSITION OF TRAFFIC CITATIONS

Persons arrested for misdemeanor DWI and misdemeanor drunk in public offenses may be released on a citation after the arrested person has been transported to an appropriate facility for any chemical testing and processing (in DWI cases only). After such testing, the arrested person is to be booked into jail or cited and released (in rural areas of Santa Barbara County). The arrested person must meet all the following criteria to qualify for rural citation release:

516.6.1 CRITERIA FOR RELEASE QUALIFICATION

- (a) Arrested person must possess proper identification.
- (b) Arrested person is likely to appear in court after release.
- (c) Arrested person has no more than one (1) prior DWI conviction within seven (7) years of current DWI arrest.
- (d) Arrested person has no active warrants: local, DOJ, and NCIC.
- (e) Arrested person is not intoxicated to the point where he/she is unable to care for his/her own safety or the safety of others, is violent or combative, or otherwise is a danger to himself/herself and others.
- (f) A responsible person must be available to assume responsibility for the arrested person.

516.6.2 RESPONSIBLE PERSON CRITERIA

In order to accept custody of a cited and released arrested person, the responsible person must:

- (a) Be able to respond within 30 minutes to accept the arrestee
- (b) Be an adult (over 18 years of age) with proper identification
- (c) Not be under the influence of alcohol/drugs
- (d) Have a valid California driver's license or bring a licensed driver with him/her

516.6.3 NOTIFICATION OF RESPONSIBLE PERSON

- (a) The responsible person will be contacted by the arresting deputy or the arrested person, not through the Dispatch Center.
- (b) Telephone calls will not be made at County expense.

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516.6.4 CITATION PROCEDURE

If the criterion listed above is met, the arresting deputy will issue a "Notice to Appear" to the arrested person, which shall include the following information:

- (a) The responsible party's name will be entered in the violation section of the citation.
- (b) The "booking required" box on the citation should not be checked.
- (c) The arrested person will be informed of the charge and the court information and be asked to sign the citation;
- (d) If the arrested person signs the citation, he/she will be given the violator's copy;
- (e) If the arrested person refuses to sign the citation, normal booking procedures must be followed;
- (f) The arresting deputy shall admonish the arrested person and the responsible person of the provisions of the DWI Cite and Release Admonishment Form.
 - 1. If the responsible person refuses to sign the form, the deputy will write "refused" on the signature line, attach the form to the arrest report, and then follow normal booking procedures with the arrestee.
 - 2. When the responsible person signs the form, it is to be attached to the arrest report, and the arrested person will then be released immediately to the responsible party.
- (g) The arresting deputy will include the following in the narrative portion of the arrest report as "additional information":
 - 1. Indicate that the arrested person was released after signing a citation.
 - 2. List the name and address of the responsible person.
 - 3. Indicate the location from which the arrested person was released; i.e., Cuyama Station, Carpinteria Station, etc.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

When issuing a citation where the suspected violator does not have proper identification to ensure his/her identity, every reasonable attempt should be made to ensure the person's true name. It is not always prudent/possible to formally book the violator to ensure his/her true identity. In the case when a subject has been contacted for a suspected violation, the person does not have identification, and the person is not going to be booked into the jail, the deputy issuing the citation shall obtain the right thumb print of the violator using an inkless fingerprint pad and place the thumb print on the white (court) copy. If a thumb/finger other than the right thumb is used, the issuing deputy shall note which digit was fingerprinted.

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.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Santa Barbara County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669 in the unincorporated areas of Santa Barbara County. This policy also covers the same procedures for similar 72-hour parking violations within the Department's contract cities of Carpinteria, Goleta, Solvang, and Buellton.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the Santa Barbara County 72-hour Parking Ordinance for Department's contract cities shall be marked and noted on the Department Marked Vehicle Card Form SH-623. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. A tag shall also be placed on the windshield of the marked vehicle. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. 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 marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be re-marked for the 72-hour parking violation.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

524.2.1 MARKED VEHICLE FILE

All Marked Vehicle Cards shall be retained by the deputy who marked the vehicle.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a Stored Vehicle Report (CHP Form 180) shall be completed by the deputy authorizing the storage of the vehicle.

Dispatch Center personnel are responsible for placing the stored vehicle's information into the California State Stolen Vehicle System (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (Vehicle Code § 22854.5).

The Stored Vehicle Report (CHP Form 180) shall be submitted to the Criminal Records Bureau immediately following the storage of the vehicle.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle, it shall be the responsibility of the Criminal Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent via U.S. Mail pursuant to Vehicle Code § 22851.3(d).

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524.3 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post-storage hearing has been made, the Department may provide the lien holder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lien holder has determined has an estimated value of \$500 or less (Vehicle Code § 22851.3(h)).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Office shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

- (a) An initial statement from any witnesses or complainants.
- (b) A cursory examination for evidence.

If information indicates a crime has occurred, the deputy shall:

- (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
- (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
- (c) If assistance is warranted, or if the incident is not routine, notify a supervisor.
- (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

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- (e) Collect any evidence.
- (f) Take any appropriate law enforcement action.
- (g) Complete and submit the appropriate reports and documentation.

If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 NONSWORN MEMBER RESPONSIBILITIES

A non-swornmember assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

600.5 DISCONTINUATION OF INVESTIGATION

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed.
- (d) Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (e) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (f) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (g) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).
- (h) Specific cases with approval from a supervisor.

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The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.9 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.10 MODIFICATION OF CHARGES FILED

Any request to modify the charges filed or to recommend dismissal of charges in a case resulting in court prosecution shall be made to the District Attorney's Office only as authorized by the deputy's immediate supervisor or a supervisor of the Criminal Investigation Division.

Nothing in the preceding subsection should be construed to prevent a Department member from assisting the prosecuting attorney and/or probation officer in the preparation of a case and/or determination of the proper charge in any case which he/she is the arresting deputy, the investigating deputy, or the Court Liaison Deputy

600.11 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Criminal Investigations Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Office will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.

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8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with office security procedures, the office's usage and privacy procedures and all applicable laws.

600.12 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.13

- (a)
- (b)

A member should take a report any time a person living within the jurisdiction of the Santa Barbara County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this office or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside office jurisdiction report and anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the county to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this office should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for office use and are specific to this type of investigation.

The Detective Bureau supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

600.14 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

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600.14.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Office as lost or stolen, the Detective Bureau supervisor shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Office (Penal Code § 28220).

600.14.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Detective Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Office who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
 - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic

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examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the deputy or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

602.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned deputy determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

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information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this office is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Bureau supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

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602.8.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.10 CASE REVIEW

The Detective Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

603.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

603.1.1 DEFINITIONS

Unmanned Aerial System (UAS) – An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

603.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property, Search & Rescue, or conducting investigations, when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

603.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

603.4 PROGRAM COORDINATOR

The Air Support Unit Manager will act as the program coordinator and will be responsible for the management of the UAS program. The Air Support Unit Manager will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports semi-annually on the program to the Sheriff.

603.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible only where there is no protectable privacy interest, exigent circumstances, or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

Absent a specific FAA exemption, UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval. Operations can take place during night time hours or over populated areas if approved through an FAA Certificate of Waiver or Authorization (COA).

603.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.

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- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized

603.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Santa Barbara County Sheriff's Office seizes property for forfeiture or when the Santa Barbara County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 - 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 - 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 - 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Santa Barbara County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Santa Barbara County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.2.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of an asset forfeiture trained Narcotics Unit detective:

Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

The property subject to forfeiture is legally seized incident to an arrest.

There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

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A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.2.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470A).

Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

606.3 ASSET SEIZURE

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 a Narcotics Unit detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the appropriate Narcotics Unit supervisor in the Special Investigations 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 should 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) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team.

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606.3.1 PROPERTY SUBJECT TO SEIZURE

Property seized subject to forfeiture will be inventoried delivered to the Asset Forfeiture Storage Facility identified by the Special Investigations Bureau Lieutenant. If this facility is not available then the seized property will be inventoried in a ARS Report 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 *seized* into the Sheriff's Property Bureau, the deputy should make a notation in the comment section of the ARS property screen indicating the item/s were "Seized Subject to Forfeiture."

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

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 Narcotics Bureau supervisor of the seizure of the vehicle and circumstances of the seizure, as soon as possible. A Form CHP 180 will be completed on all seized vehicles. The seized vehicle will be entered into CLETS as a seized asset forfeiture vehicle. All vehicles shall be photographed from all sides to document their condition at the time of seizure.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

An attempt to release all personal property located in a seized vehicle to the owner or his/her designee shall be made prior to the vehicle being stored. Personal property left in the vehicle will be booked into Property and Evidence for safekeeping.

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

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- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will deliver the seized property to the Special Investigations Bureau manager, or book the seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Special Investigations Bureau manager is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

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The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

606.6.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Santa Barbara County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

606.7 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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 Santa Barbara 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 SOURCES OF INFORMATION AND INFORMANTS DEFINED

The Department recognizes two (2) primary sources of information. These sources include "Sources of Information" and "Informants."

- (a) Sources of Information are defined as any individual who provides information and who is not defined as an informant. In general, Sources of Information provide the information voluntarily on a one-time or limited basis and with no expectation of compensation. Sources of Information typically include crime scene witnesses, persons arrested, and persons providing information regarding ongoing criminal activity (e.g., neighbors, business owners, or hot-line callers). Sources of Information can also include persons providing information in response to monetary reward offers. When in doubt as to whether or not a subject providing information falls into the Source of Information or Informant category, the subject is to be treated as an Informant.
- (b) Informant is defined as an individual who provides information on a recurring basis and/or in exchange for consideration regarding criminal activity and/or monetary compensations and may act under the direction of the involved investigator. Informants necessitate the establishment of a formal and highly-controlled relationship with the involved investigator.

There are two (2) basic categories of informants: Citizen Informants and Criminal Informants.

- (a) Citizen Informant - A Citizen Informant is an individual (e.g., a private person) who provides information on a recurring basis concerning criminal activity but whose lifestyle is not, in general, characteristic of someone involved in criminal activity.
- (b) Criminal Informant - A Criminal Informant is an individual whose background is characteristic of criminal activity (e.g., one who has prior arrests or convictions and/or one who associates with other criminals, etc.). Criminal Informants often provide information to a law enforcement agency for one (1) or more of the following reasons:
 - 1. Consideration in a pending criminal case
 - 2. Money
 - 3. Elimination of competition
 - 4. Revenge

Criminal Informants are further classified as tested, reliable criminal informants and untested criminal informants.

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- (a) Tested, reliable criminal informant - A tested, reliable criminal informant is an informant who has provided reliable information in the past. The tested, reliable criminal informant information does not necessarily have to be corroborated but should be whenever possible. (In most cases, some part of his/her information must be corroborated to satisfy the court.)
- (b) Untested criminal informant - An untested criminal informant is one who has provided information that has not been corroborated. Untested criminal informant information must always be corroborated.

608.2 INFORMANT FILE SYSTEM

Informant files will be maintained in the Criminal Investigations Division. The Division Commander 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/her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked "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 Criminal Investigations Division. 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 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, Undersheriff, Chief Deputies, Criminal Investigations Division command staff, or their designees.

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608.2.2 DESTRUCTION OF INFORMANT FILES

Confidential Informant files will be held for at least 10 years following the last entry into the file. Prior to any such files being destroyed, the bureau lieutenant will author and submit a memorandum to the Criminal Investigations Division Commander, notifying him/ her of the intention to dispose of the outdated files and request authorization to move forward with destroying them. The division commander should respond in writing to the bureau lieutenant expressly authorizing or denying the records destruction.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy must receive approval from a Criminal Investigations Division sergeant. The deputy shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual. Agency personnel shall follow the guidelines in the District Attorney's Office Informant Policy for the use of all informants. (The District Attorney's Informant Policy is found on the Department Intranet under Library Link/Procedures-Operations Guides/Informant Policy.)

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 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 is only authorized by court order obtained pursuant to Penal Code § 701.5. The use of any juvenile informant shall require the approval of the Sheriff and either a Chief Trial Deputy or an Assistant District Attorney.

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 in which 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 Department shall knowingly maintain a social relationship with a confidential informant while off duty or otherwise become intimately involved with a confidential informant. Department members 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:

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- (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 deputies, employees or agents of the Department, and that they shall not represent themselves as such.
- (e) The relationship between deputies and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation and only with prior approval of the Criminal Investigations Division command staff.
- (g) Deputies shall not meet with informants of the opposite sex in a private place unless accompanied by at least one (1) additional deputy or with prior approval of the Criminal Investigation Division command staff. 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.

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 quality of the violator arrested
- 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

608.5.2 CASH DISBURSEMENT POLICY

No informant will be told in advance or given an exact amount or percentage for services rendered.

Payments may be paid in cash from the Criminal Investigations Division Buy/Expense Fund. A voucher will be prepared indicating amount to be received by the confidential informant, the reason

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for payment, and the case number. The case agent will sign the voucher indicating cash being dispensed. An assisting detective shall sign the voucher on the witness line, verifying the amount paid to the informant. The case agent shall have the informant sign and date the voucher indicating payment for information voluntarily rendered in the case. The payment amount and reason for payment shall be recorded on the confidential informant activity record. The vouchers will be retained by the Criminal Investigations Division Commander or his/her designee.

Payments to any informant over \$500 will have the approval of a Criminal Investigations Division Lieutenant; payments over \$1,000 will have the approval of the Criminal Investigations Division Commander.

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service as income.

608.5.3 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.

608.6 SECTION TITLE

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Santa Barbara County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Division commander or designee shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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 Santa Barbara County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Santa Barbara 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 Santa Barbara 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.

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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:

- (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.

612.4.1 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing aso-called "Pitchess" motion (Evidence Code § 1043, et seq.) is when they are investigating the conduct of a deputy or the Department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of an identified deputy or a specific investigation of the Department (or the consent of an involved deputy), no confidential information from any deputy's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the "Pitchess" process. NOTE: The prosecution of a criminal defendant is not considered an investigation of any involved deputy.

Should a deputy's credibility or other issues related to a deputy's personnel file arise in the context of a deputy acting as a witness for the prosecution, access to that deputy's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

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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.

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 Business Office.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report 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.

700.5 DEPARTMENT BADGES

A law enforcement officer's badge is a symbol of the public trust and of the office held by that officer. The retention of the badge is a mark of honorable service and reflective of the dedication required to serve in this profession. Consequently, one of the following criteria must be met before a departing deputy will be permitted to purchase their badge:

- (a) The deputy is service retiring under honorable conditions.
- (b) The deputy is leaving the agency under honorable conditions, with 10 or more years of service.
- (c) The deputy is being medically retired as a consequence of injuries suffered in the line of duty.
- (d) The deputy is being promoted.

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Department Owned and Personal Property

Notwithstanding the above criteria, the purchase of any deputy's badge must be approved by the Sheriff.

It shall be the responsibility of the Special Services Bureau to maintain a record of all badges approved for purchase. Such a record shall include the badge number, the employee to whom the badge was issued, the date of issuance and the reason for approval.

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 or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, Internet service, phone service, or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender, and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received, and/or stored using such service, upon meeting the legal requirements of S.B. 178, the California Electronic Communications Privacy Act (CalEPCA).

702.2 POLICY

The Santa Barbara County Sheriff's Office allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.2.1 INDIVIDUALLY-OWNED PCD

An employee may carry his/her own PCD while on duty subject to the following conditions:

- (a) Carrying an individually-owned personal communication device is optional.
- (b) The device shall be purchased, used, and maintained at the employee's expense.

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(c) A personally owned PCD is not allowed in secure areas of any Santa Barbara County Jail facilities without prior authorization from the Division Commander.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally-owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs, however, should not be used to replace regular radio communications.

(a) While in uniform, PCDs shall be carried in accordance with the Department Uniform Policy.

(b) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally-owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

(c) Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use of Department-owned PCDs.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business-related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

Employees are reminded that PCD's are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCD's to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are example of when the use of a PCD may be appropriate:

(a) Barricaded suspects;

(b) Hostage situations;

(c) Mobile Command Post;

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- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc;
- (e) Major political/community events;
- (f) Investigative stakeouts where regular phone usage is not practical;
- (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs;
- (h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

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.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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 all equipment and supplies that are necessary to perform their duties are present within the vehicle.

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.

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Vehicle Maintenance

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.

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 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. For the purpose of this policy, "County-owned" includes any vehicle owned, leased or rented by the County. In addition to the rules stated in this policy, department employees will adhere to the Santa Barbara County Vehicle Use Policy, which became effective January 2015. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Santa Barbara County to provide assigned take-home vehicles.

706.2 POLICY

The Santa Barbara County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments, and other considerations.

706.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the 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.

706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Supervisor of the reason. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

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Station assigned fleet vehicles shall not be used for personal transportation to and from a voluntary overtime assignment location, unless the employee is directed by a supervisor due to a shortage of patrol vehicles at the location of the assignment.

706.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

706.3.4 CRIMINAL INVESTIGATIONS DIVISION VEHICLES

Criminal Investigations Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by a Criminal Investigations Division supervisor.

706.3.5 AUTHORIZED PASSENGERS

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

706.3.6 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

706.3.8 PRIVACY

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

- (a) .

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- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (d)
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.
- (i) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

. Santa Barbara County Sheriff's Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

706.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Deputies shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

706.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Santa Barbara County Sheriff's Office, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

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Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

706.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

706.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a County 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 supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

Pursuant to Santa Barbara County policy, the member involved in the collision shall complete the County's vehicle collision form, which must be submitted to SBC General Services – Fleet Management. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported to the on-duty supervisor.

The applicable employee's supervisor, or the area supervisor should conduct an administrative investigation into the circumstances of the collision or vehicle damage. The purpose of the administrative investigation is to determine whether or not department policies were adhered to, and if there are other factors that should be considered or addressed by our agency.

If it is apparent that the employee likely violated department policy, or otherwise performed in a manner that has a potential to result in formal discipline (letter of reprimand or greater), the supervisor conducting the administrative investigation should insure compliance with the Peace Officers Bill of Rights (POBRA). At a minimum, this includes informing the employee:

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- (a) That an administrative investigation is being conducted.
- (b) Who is conducting the administrative investigation (asking the questions).
- (c) The subject matter of the administrative investigation.
- (d) Upon request of the employee, allow them to have representation present during the interview.
- (e) For the purposes of an administrative investigation, asking an employee to author a memorandum documenting the incident is a form of an interview and POBRA should be complied with prior to directing an employee to author the memorandum.

The supervisor conducting the administrative investigation can obtain involved party statements from the traffic collision investigator without implicating POBRA requirements.

706.9 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating office vehicles on a toll road shall adhere to the following:

- (a) Members operating office vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Santa Barbara Sheriff's Office.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- CED® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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Military Equipment

707.2 POLICY

It is the policy of the Santa Barbara Sheriff's Office that members of this Office comply with the provisions of Government Code § 7071 with respect to military equipment.

707.3 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of this Office to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Sheriff's Office equipment that qualifies as military equipment in the current possession of the Sheriff's Office, or the equipment the Sheriff's Office intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Santa Barbara County Sheriff's Office (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the Office's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the agency website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Sheriff's Office will respond in a timely manner.

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Santa Barbara Sheriff's Office:

[See attachment: Inventory Attachment.pdf](#)

707.5 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Sheriff's Office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this agency.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this agency shall be approved for use and in accordance with this policy. Military equipment used by other agencies that are providing mutual aid to this agency shall comply with their respective military equipment use policies in rendering mutual aid..

707.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the agency website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in the inventory.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Santa Barbara Sheriff's Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the agency should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

707.9 COMPLIANCE

The Sheriff's Office Training Bureau will ensure that all members of the Santa Barbara Sheriff's Office are trained on this policy. All members shall comply with this policy. The Training Bureau will conduct an annual audit. The Sheriff or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the Professional Standards Unit. All instances of non-compliance will be reported to the Board of Supervisors via the annual military equipment report.

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Any member of the public can register a question or concern regarding the military equipment use by contacting the Sheriff's Office at (805)681-4100 or sheriff@sbsheriff.org. A response to the question or concern shall be completed by the Sheriff's Office in a timely manner.

A member of the public can submit a complaint to the Sheriff's Office in any form (i.e. in-person, mail, online). Complaint forms can be delivered to the following address in person or by mail:

Santa Barbara County Sheriff's Office

Attn: Office of Professional Standards

4434 Calle Real

Santa Barbara, CA 93110

A complaint form can also be submitted online: www.sbsheriff.org/citizen-complaint-form.

A hardcopy of the complaint form can be obtained from Sheriff's Headquarters (4434 Calle Real, Santa Barbara, CA 93110), by calling (805) 681-4100, or by visiting any Sheriff's substation.

707.10 MAINTENANCE OF MILITARY EQUIPMENT SUPPLY LEVELS

The Sheriff's Office maintains sufficient stock of certain military equipment to maintain training standards and operational readiness. The agency will routinely order replacement stock to maintain the levels of equipment enumerated in the attached Military Equipment Inventory.

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

The Dispatch Center

802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

802.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Dispatch Center and department members in the field.

802.2.1 CAD FAILURE

Most of the items above are automatically captured with the use of computer-aided dispatch. In the event that the system fails, Dispatch Center personnel are directed to make every effort to record accurate times of events as well as a handwritten log of pertinent information.

802.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Shift Supervisor, command staff and department members with a specific business-related purpose.

802.4 RESPONSIBILITIES

802.4.1 COMMUNICATIONS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Operations Support Division commander or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records in coordination with other supervisors.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

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- (e) Processing requests for copies of the Dispatch Center information for release.
- (f) Maintaining the Dispatch Center database systems.
- (g) Maintaining and updating the Dispatch Center procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
 - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

802.4.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Dispatch Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

802.4.3 DISPATCHERS

Dispatchers report to the Communications Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:

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1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
 - (c) Inquiry and entry of information through the Dispatch Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
 - (d) Monitoring department video surveillance systems.
 - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
 - (f) Notifying the Shift Supervisor or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

802.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate

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an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

802.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

802.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

802.6 RADIO COMMUNICATIONS

The bureau radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Santa Barbara County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

802.7 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

802.8 CONFIDENTIALITY

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal bureau files or medical information, shall only be made available to

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authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

802.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.2.1 RECEIPT FOR SAFEKEEPING OF FIREARMS

An SH-1124 form shall be issued to the owner of firearms taken for safekeeping, and/or evidence or found property; with the exception of firearms voluntarily relinquished for destruction. A signed copy of the SH-1124 form will be left with the owner and will include the description of the weapons taken, the reason they were taken, the process that must be followed for their return; per Penal Code § 33850(a) and § 33865, and the Property Office to contact for release information. A signed copy of the Receipt of Property (SH-221) form will be left with the owner of the firearm(s) voluntarily relinquished for destruction.

804.2.2 CRIME GUNS

Per 11108.3 PC, a crime gun is described as a gun illegally possessed, used in a crime, suspected of being used in a crime, a found gun or a gun used in a suicide (Every gun EXCEPT safekeeping guns). Refer to Policy Manual Section 455 for the procedure of entering crime guns into CLETS and submitting a supplemental Crime Gun Worksheet.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly packaged, documented on the property section of ARS and placed in a property locker or taken directly to the Property Room. Care shall be taken to maintain the chain of custody for all evidence.

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Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. However, an ARS report must be completed to document the release of property booked. A Department Order to Release Property Form (SH-402) shall be completed during this process and attached to the case report to document the release to the owner.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) List the property items to be submitted on the ARS property screen describing each item of property separately, enter all available information into their respective fields including make, model, serial numbers, and listing generic information or markings in the description field.
- (b) Each item of evidence/property must be packaged in the proper type and size of packaging material for that item(s). Each package will be sealed, initialed, dated, and contain the case number and item number.
- (c) When the property is too large to be placed in a locker, the item may be retained in an area that can be secured until it can be delivered to the Property Room. Submit an e-mail notification to the Property/Evidence Officer indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker.

All narcotics and dangerous drugs shall be packaged separately and placed in a California Department of Justice (DOJ) envelope, with the exception of syringes which should be packaged separately in a sharps container and placed in a plastic evidence bag, if analysis will be required to substantiate the arrest charge. Proper chain of custody will be completed on the DOJ envelope. The chain of custody starts when the deputy who is responsible for the case physically takes control of the evidence/property item(s). The first signature block on the chain of custody will be completed by the responsible deputy and the "Received By" signature block will be completed by the next person receiving the item. Any omissions in the chain of custody will not be accepted by the Property/Evidence Officer and will be returned for correction. Evidence submitted to the California DOJ Lab must contain the initials, body number and date of the person sealing the item. Said initials and date must overlap the evidence tape placed across the seal. California DOJ will not accept items not properly initialed, dated and sealed.

Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately from drugs and any other items seized.

An exception to packaging drugs in a DOJ envelope is booking marijuana. Marijuana is generally not analyzed by DOJ and it can be booked in general packaging. In addition, marijuana, as well as narcotics or any other drug booked for destruction will not be packaged in a DOJ envelope.

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Syringes, needles, and other sharp items seized in connection with narcotics cases will be placed in the appropriate safety container and labeled as "Dangerous-Sharp."

"Loaded" syringes, containing a suspected liquid narcotic substance, will be packaged in a sharps safety container before being placed in a plastic evidence bag. The deputy will not attempt an extraction of the substance. "Loaded" syringes will be processed by Forensics personnel if analysis is required.

Medical marijuana booked as evidence will be returned to the owner only under the conditions stated in policy 452.5.

804.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor, Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the Sheriff's facility. Only fireworks that are considered stable and safe, road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. When a case is adjudicated that contains fireworks or other dangerous device evidence, the item(s) will be released to department Bomb Squad personnel for disposal.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids that are on items of evidence/property, such as blood or semen stains shall be air dried prior to booking.
- (b) All bicycles, bicycle frames, or non-motorized vehicles require a property record. Bicycles and frames will be entered on the bicycle tab of the ARS property screen regardless of their condition. The appropriate colored tag corresponding with the type of case will be securely attached to the frame. Bicycles and frames may be released directly to the property officer or placed in the bicycle storage area at each station. An e-mail notification will be sent to the property officer as to the location of the bicycle or frame.
- (c) All currency and counterfeit cash shall be counted and verified by two (2) Sheriff's Office personnel. Cash will then be placed in a currency envelope, and the envelope initialed by the booking deputy and the verifying witness. Currency shall be booked separately from any other property. If currency is suspected of being tainted with narcotics, it should be booked separately as evidence and not in a currency envelope. Upon arrival at the Property Room, the currency will be again verified by the Property/Evidence Officer and a verifying witness. Large amounts of cash can be placed into a paper bag and the currency envelope attached to the outside. Currency may be taken directly to the Property Room for verification prior to sealing.

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- (d) County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner. All booked property shall be entered in ARS and any release documented on an Order to Release Property form (SH-402).

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804.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall ensure the Property & Evidence clerk is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs DOJ envelope.
- (b) Firearms (Ensure they are unloaded and booked separately from ammunition and magazines. Firearms shall not be placed into plastic bags.)
 - 1. Regular – place appropriate colored tag on the trigger guard
 - 2. Suicide – place in paper bag
 - 3. Testing for Forensics – place in paper bag
- (c) Items booked for forensics processing or containing DNA/biological substances
- (d) Property will be separated and packaged by owner, when possible
- (e) Paraphernalia as described in Health and Safety Code § 11364
- (f) Fireworks

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- (g) Currency/Counterfeit (Place in a currency envelope per Policy Manual § 804.3.4(c))
- (h) Contraband
- (i) All digital Media (CD/DVD) and electronic devices (cellular phones) should be packaged separate from other case evidence
- (j) Outside agency generated evidence shall be documented in ARS and booked by a deputy or case detective
- (k) Items of great value (watches, jewelry or precious stones) should be packaged separately from other items.
- (l) Property with more than one known owner

804.4.1 PACKAGING CONTAINER

Employees shall package all property in suitable containers and packaging available for their size and type. Knife boxes, if available or cardboard sleeves should be used to package knives, and syringe tubes should be used to package small quantities of syringes and needles.

804.5 RECORDING OF PROPERTY

The Property/Evidence Officer receiving custody of evidence/property shall record the date and time the property was labeled, assign a storage location and place in secure storage.

If, during the time the property is held by the Department, the location of the property is changed, the change shall be recorded in the RMS computerized record, which is entered by the Property/Evidence Officer.

804.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the Property Officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

The Property/Evidence Officer is responsible for transferring to and retrieving from the DOJ Lab evidence that has been sent for analysis. The Property/Evidence Officer will check the evidence out of the Property Room (upon the request of the deputy in charge of the investigation or subpoena from the District Attorney) indicating the date and time of the transfer on the SH-108 and record the transfer electronically in the RMS property program. Deputies may also transfer evidence to the lab following the above protocol.

Chain of Custody must be maintained, and a signature of the person receiving the evidence at the lab will be obtained and the documentation returned to the Property/Evidence office for the case file record.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Each person receiving property will make the appropriate entry on the SH-108 to document the chain of evidence. Temporary release of property to deputies for investigative purposes or for

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court shall be noted on the SH-108 stating the date, time, and the name of the person to whom it was released. The release will also be recorded electronically in the RMS property program.

The Property/Evidence Officer shall obtain the signature of the person to whom property is released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property/Evidence Officer or released to another authorized person or entity.

The return of the property shall be recorded on the SH-108 form and/or electronically recorded in the RMS Property program, indicating date, time, and the person who returned the property, as well as who received it back into the Property Room. Items retained by any court require a form from the court stating which items were retained and by whom. The signed SH-108 must be returned to the Property Room.

804.6.3 AUTHORITY TO RELEASE PROPERTY

Occasionally more than one party may claim an interest in property being held by the Agency, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property. Notification to the Property Room shall be made in any case of disputed property.

804.6.4 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release notification, listing the name and address of the person to whom the property is to be released. The release authorization shall be issued by the case detective/deputy and must conform to the items on the case property list or must specify the specific item(s) to be released. Release of all property shall be documented on the property release form (SH-402) and electronically in the RMS property program.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel may assist the case deputy/detective 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 30 days after notification (or receipt, if notification is not feasible) may be auctioned through the department approved auction agent, PropertyRoom.Com. 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.

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 an SH-402 Order to Release Property form. After all case property has a closed disposition, the record of property disposition, the written authorization to disperse/dispose, and the signed receipts of released property, will be scanned into the permanent laser fiche case file.

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Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33850(a) and § 33865. Firearms and magazines/ammunition will not be released on the same day. Arrangements can be made for the return of magazines and ammunition at a later date but must be made within 30 days of the issuance of the DOJ letter.

The Property and Evidence Bureau Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The agency is not required to retain any firearm, magazine, ammunition, 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).

804.6.5 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

804.6.6 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33850 and § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not

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returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

804.6.7 IMPOUNDED VEHICLE RELEASE

All vehicles towed to one of the Department Impound Yards shall be processed by the Record's personnel within the Property/Evidence Bureau for that area where the impound yard is located. Refer to Sections 510.2.9 and 510.6 of this manual for processing and release procedures.

804.6.8 FIREARMS/WEAPONS RETAINED FOR DEPARTMENT USE

Under the provisions of Penal Code section § 34005, any law enforcement agency having custody of weapons in evidence or property may use those weapons for official purpose in lieu of destruction. This policy and procedure applies only to weapons which are no longer to be used as evidence in any trial or appeal.

The purpose for the issuance of any weapon from the Property and Evidence Bureau must meet one or more of the following criteria:

- (a) For use in lieu of Agency issue duty weapon; or
- (b) For use in Agency approved training; or
- (c) For any other official use as designated by the Sheriff

Prior to the issuance of any weapon from the Property and Evidence Bureau, a request must be made in writing, via the chain of command, to the Sheriff. The request shall specify the purpose for which the weapon is to be used and the Agency member or members to be responsible for the weapon.

Upon approval by the Sheriff, the Property/Evidence Officer shall forward the weapon to the Training Bureau for inspection, test firing, and recording into the Sheriff's Office inventory. If the weapon is determined to be safe, it will be returned to the Property/Evidence Officer for issuance to the designated personnel and completion of necessary paperwork.

In those instances where the weapon is intended for on-duty use by a deputy, the Training Bureau will insure that the weapon is added to the employee's record of issued equipment.

In the event the weapon is to be used as an enticement or merchandise in an Agency approved undercover operation and is not to be discharged, the Property/Evidence Officer may issue the weapon directly to the designated personnel. Upon completion of the investigation, the weapon shall be returned to the Property and Evidence Bureau. In all other cases, when the stated purpose for the issuance of the weapon from the Property and Evidence Bureau no longer exists, it shall be returned to the Training Bureau for storage and inventory control.

Per Penal Code section § 34010, the DOJ notification to retain or destroy a weapon pursuant to Penal Code section § 34005, § 18000 or § 18005, shall be made by Property and Evidence Bureau personnel into CLETS.

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804.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Santa Barbara County Sheriff's Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

Any property booked on any type of case remains the responsibility of the deputy who booked it or the deputy/detective to who the case is assigned. If the case deputy/detective is unavailable to respond to the Property Disposition Request, the authorization to dispose shall be completed by the deputy/detective's supervisor.

The Property and Evidence Bureau AOP will send out PDR's when a case disposition review is requested for possible disposal. It is the responsibility of the deputy of record to research all information related to the case disposition, including checking with the District Attorney and the Superior Court. PDR's shall be completed within twenty-one (21) calendar days.

Any documentation requested by the Property/Evidence Bureau will be provided by the Deputy of record. This may include court orders, District Attorney case documentation (rejection notices, case dispositions, stipulations), owner/finder information, or probation summaries.

804.7.2 PROPERTY REQUIRING DESTRUCTION

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §§ 18275, 18010, 32750);

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- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a);
- Counterfeiting equipment (Penal Code § 480);
- Gaming devices (Penal Code § 335a);
- Obscene matter ordered to be destroyed by the court (Penal Code § 312);
- Altered vehicles or component parts (Vehicle Code § 10751);
- Narcotics (Health & Safety Code § 11474, etc.);
- Unclaimed, stolen, or embezzled property (Penal Code § 1411);
- Destructive devices (Penal Code § 12307);
- Retention of DNA evidence (Penal Code § 1417.9).

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Bureau Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Division supervisor

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), and following the established department protocol for retention and disposing of biological evidence. The District Attorney's Office will be consulted and assist with the notifications to the above parties, should a request of disposing of DNA evidence be initiated by Property and Evidence Personnel.

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Property/Evidence Command Staff, Department Legal Counsel and the head of the applicable prosecutor's office, following the department established protocol for disposal.

Biological evidence from sexual assault cases shall be handled as follows:

- (a) Solved sexual assault case(s), which were rejected, decisions will be based upon the statute of limitations set under PC799, et. sec.
- (b) Solved sexual assault case(s), which were filed, decisions will be based upon whether the appeals period has passed.

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- (c) Unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations, in accordance with PC 680(f)(2). (A law enforcement agency shall not destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case before at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, before the victim's 40th birthday.)
- (d) Restricted sexual assault KITS should not be disposed of prior to expiration of the statute of limitations in accordance with PC 680(f)(2).

In all incidences, after the expiration of the applicable statute to limitations, the Criminal Investigations Bureau Supervisor, the Lead DA on the case or the Sexual Assault DA will be consulted on a case by case basis to determine if the biological evidence can be destroyed.

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Office shall be conducted by a Division Commander (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Records Bureau

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Santa Barbara County Sheriff's Office Records Bureau. The policy addresses office file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to maintain office records securely, professionally, and efficiently.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the Santa Barbara County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Office to destroy the related arrest records. Petitions should be forwarded to the Operations Support Supervisor. The Operations Support 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 Operations Support Supervisor should forward the petition to the Detective Bureau Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Detective Bureau Supervisor and the Operations Support Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Operations Support Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Operations Support Supervisor should respond to a petition with the Office's decision within 45 days of receipt. Responses should include only the decision of the Office, not an explanation of the analysis leading to the decision.

806.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.
- (c) The California DOJ is notified.

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Records Bureau

806.5 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a bureau office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Shift Supervisor.

The Records Bureau will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

806.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

806.7 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

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 Santa Barbara 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.

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Restoration of Firearm Serial Numbers

808.2.3 DEPUTY RESPONSIBILITY

The Property/Evidence Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

808.2.4 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.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

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.

Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The Santa Barbara County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

810.2.1 DEPARTMENT COORDINATION

If a request seeks information from more than one division from within the Sheriff's Office, the Criminal Investigations Division commander (or his/her designee) will assist by coordinating the request to the affected division commanders (or his/her designee) so that he/she may assign someone to collect the necessary documents. It is up to the affected Division Commander (or his/her designee) to review the documents to ensure attorney-client communication or any other items not subject to disclosure are excluded from the documents prior to being released. Once the documents have been collected, a copy of the documents and letter will be forwarded back to the Criminal Investigations Division commander (or his/her designee) for archiving.

In the event the request seeks information from more than one divisions, one response letter will be generated that will encompass all the divisions affected. This letter will either be completed by the Support Services Commander (or his/her designee) or assigned to one of the affected Division Commanders (or his/her designee) to complete.

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
 - 1. Identifying the minimum length of time the Office must keep records.
 - 2. Identifying the office division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.

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- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the office's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Office's website (Government Code § 7922.710; Government Code § 7922.720).

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Office is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused

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and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
 - (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
 - (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

810.5 REQUESTS FOR BOOKING PHOTOS

It is the policy of the Santa Barbara Sheriff's Office that booking photos will not be released to the public or media outlets unless the release of such photos serves in the best interest and / or safety of the public. The California Attorney General's Opinion #03-205 (dated July 14, 2003) gives the Sheriff discretion in the release of booking photos. At the discretion of the Sheriff or his/her designee, booking photos may be released to the arresting agency upon request. Any booking photos released on social media platforms shall comply with Penal Code section 13665.

Any request for booking photos from the news media shall be directed to the Sheriff's Office Public Information Officer.

810.6 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle

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record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
 - 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 7923.605).
 - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

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- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the County Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- (n) Records relating to the security of the office's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

810.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a

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subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

810.8 FEES AND CHARGES

The Sheriff's Office may charge for the actual costs of duplicating records or, when a statutory fee applies, the Sheriff's Office may charge the fee established by the state statute. If the requestor asks for the records to be mailed to him or her, the Sheriff's Office may charge the actual cost of postage. The Sheriff's Office may also charge for duplication costs in another medium (e.g. video or audio recordings); generally, these costs are limited to the cost of the media on which the information is recorded (e.g., tape, compact disc, digital video disc, etc.).

In most situations, the Sheriff's Office may not charge for the staff time spent searching for, locating or collecting records. An exception to this rule exists for requests for copies of electronic records. In the case of electronic records, the Sheriff's Office may charge for staff time, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy. Staff should contact County Counsel for specific advice before charging for staff time.

The Sheriff's Office PRA fees are \$0.15 per page and reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of twenty-four dollars (\$24) per hour per person, computed on the basis of six dollars (\$6) per quarter hour or fraction thereof; actual postage charges; and the actual cost, if any, charged to the department by a third person for the retrieval and return of records held offsite by that third person. All fees must be paid prior to delivery, and, in cases of significant costs, they must be prepaid prior to copying.

The Santa Barbara County Board of Supervisors can set fees outside of existing statutes which can include both direct and indirect costs (54985(a)CGC).

A requestor may request the fees waived. The Sheriff's Office will consider the request and may decide whether to grant the waiver. If the requestor asks for fees to be waived and the Sheriff's Office decides against waiving fees, the requestor will be notified the fee waiver request was considered and denied.

810.9 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

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810.10 SEALED RECORD ORDERS

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.10.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

810.11 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information

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5. Information or data collected by Automated License Plate Reader (ALPR) technology
 6. Unique biometric data
 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

810.11.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
1. The date of the notice.
 2. Name and contact information for the Santa Barbara County Sheriff's Office.
 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 4. The estimated date or date range within which the security breach occurred.
 5. Whether the notification was delayed as a result of a law enforcement investigation.
 6. A general description of the security breach.
 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Santa Barbara County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Office in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 2. When the breach involves an email address that was furnished by the Santa Barbara County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

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810.11.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Office has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the office's webpage for a minimum of 30 days.
 - 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

810.12 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.12.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Office knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Office demonstrates that disclosure would substantially interfere with the investigation.

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- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

810.12.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.12.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

810.12.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

810.13 SECTION TITLE

Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Santa Barbara County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Santa Barbara County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the Santa Barbara County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Santa Barbara County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

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Individuals shall be allowed to review their arrest or conviction record on file with the Office after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

812.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other office members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or office-issued cellular telephone should be utilized when practicable. If neither are available and transmission is still necessary, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

812.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

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812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

812.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Santa Barbara County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

Safety checks - Direct, visual observation by a member of this office performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Santa Barbara County Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Santa Barbara County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Santa Barbara County Sheriff's Office, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the deputy taking custody of an individual believes that the individual may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female office member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

The Sheriff or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the County, as required by 15 CCR 1027.

900.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

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2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 4. Ensure males and females are separated by sight and sound when in cells.
 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.

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- (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
- 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Santa Barbara County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Office.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Santa Barbara County Sheriff's Office.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.

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- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to office members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Santa Barbara County Sheriff's Office. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional

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calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 - 1. The Office should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments

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that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Shift Supervisor will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Santa Barbara County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Office shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Shift Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to office members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.

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- (e) Safety checks by office members shall occur no less than every 15 minutes (15 CCR 1027.5).
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to the individual's well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.8.1 USE OF SOBERING CELL

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

- (a) Placement of an individual into the cell requires approval of the Shift Supervisor.
- (b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
- (d) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
- (e) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Santa Barbara County Sheriff's Office. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Supervisor, Sheriff and Criminal Investigations Division Commander
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the County Counsel
- (f) Notification of the Coroner

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- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Santa Barbara County Sheriff's Office unless escorted by a member of the Office.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - 1. The office member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, deputies should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Office shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

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900.11 ASSIGNED ADMINISTRATOR

The Operations Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.12 TRAINING

Office members should be trained and familiar with this policy and any supplemental procedures.

Office members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures

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- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Lieutenant shall maintain records of all such training in the member's training file.

Prison Rape Elimination

901.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Santa Barbara County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

901.2 POLICY

The Santa Barbara County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Santa Barbara County Sheriff's Office will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

901.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee office efforts to comply with PREA standards in the Santa Barbara County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and office leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the office's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

901.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the office zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

901.4.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

901.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall report to the office's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and office policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

901.5 INVESTIGATIONS

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Santa Barbara County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

901.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

901.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Executive. The Sheriff or the County Executive shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for office members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

901.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

901.7 REVIEWS AND AUDITS

901.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days

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of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

901.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Office's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

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All aggregated sexual abuse data from Santa Barbara County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

901.8 RECORDS

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

901.9 TRAINING

All office members and contractors who may have contact with individuals in custody shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Lieutenant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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The Training Lieutenant shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current office members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Santa Barbara County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

902.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Santa Barbara County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted

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by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

[The Custody Operations Policy and Procedure Manual \(Chapter 3\) contains additional information that is specifically relevant to department members working within a custody facility.](#)

902.5 STRIP SEARCHES

No individual in temporary custody at any Santa Barbara County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Santa Barbara County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not

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participating in the search. The search shall not be reproduced through a visual or sound recording.

- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Shift Supervisor.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.
 - 8. The place at which the search was conducted.
 - 9. A list of the items, if any, that were recovered.
 - 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Shift Supervisor shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

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- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift Supervisor's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any office members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

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Custodial Searches

- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

902.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Escape Procedures

903.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to Custody and Patrol personnel in the event of an escape by an inmate. Department personnel should work cooperatively in the identification and apprehension of any Department inmate escapee, within the guidelines of this policy.

903.2 PROCEDURES

When the Custody Division is reasonably certain there has been an escape, the Custody and Patrol shift supervisors and the Dispatch Center will be notified. This will enable Patrol units to be moved to the immediate area of the escape.

When the identity of the escapee has been established, Custody and Patrol shift supervisors and the Dispatch Center shall be notified. As complete a description of the escapee as is available will be provided to enable the Dispatch Center to broadcast a "Be-On-The-Lookout" (BOL) message.

Information to be furnished will include name, nickname, alias, race, sex, age, height, weight, color of hair, color of eyes, complexion, description of clothing, home address, charge and sentence, unusual features (glasses, mustache, tattoos, scars, etc.).

When the above procedures have been completed, the superior officers of the Custody Division will be notified. Notification will be made advancing up the chain of command until notification is made. Chain of Command is as follows:

- Sergeant
- Lieutenant
- Commander
- Chief Deputy
- Undersheriff
- Sheriff

All records and personal property of the escapee will be searched, and a list will be compiled giving the names and addresses of relatives, friends, associates, and probable destinations. The above information will be furnished to Custody and Patrol shift supervisors, assigned Criminal Investigation Division investigators, and the Dispatch Center for supplementary broadcast and search assignments and made a part of the report.

The immediate search and apprehension, "BOL" broadcasts, and directed teletypes will be the responsibility of the Patrol shift supervisor on duty.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Santa Barbara County Sheriff's Office and that are promulgated and maintained by the Human Resources Bureau.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Santa Barbara County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Operations Support Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

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The Operations Support Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available
- (l) Any relevant information in the National Law Enforcement Accountability Database

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Santa Barbara County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Operations Support Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

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Recruitment and Selection

The Operations Support Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Operations Support Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Operations Support Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

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- (a) Reports and documentation for candidates hired by the Office shall be retained for the entire term of employment and a for a minimum of four years after separation from the Office.
- (b) Reports and documentation for candidates not hired by the Office for a minimum of four years.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Santa Barbara County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California

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Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Bureau should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

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1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

1000.7.3 STANDARDS FOR PUBLIC SAFETY PERSONNEL

In addition to the above Sheriff's Office employment standards, public safety candidates will be subject to additional standards established by California POST.

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Sheriff's Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

1000.8 PROBATIONARY PERIODS

The Operations Division Commander or designee should coordinate with the Santa Barbara County Human Resources Bureau to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

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 Report (EPR) 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 and pursuant to Santa Barbara County Civil Service Rules and specifically Rule 1503.

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 will 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 non-sworn supervisory personnel shall be sent to a supervisory course that includes training on the completion of performance evaluations within one (1) 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 an employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, advise the employee in writing in order to provide an opportunity for the employee to improve his/her performance. If desired, the involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, . 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 EVALUATION MATRIX

Employees are evaluated based on the following chart:

POSITION	EVALUATED EVERY 3 MONTHS	EVALUATED YEARLY	LENGTH OF PROBATION
Probationary Sworn Employees	X		1 Year
Non-Probationary Sworn Employees		X	
Probationary Non-Sworn Employees	X		1 Year

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Non-Probationary, Non-Sworn Employees		X	
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1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under Policy Manual § 350.

1002.4 FULL-TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed quarterly for all full-time, civilian personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly, monthly, and quarterly during the probationary period pursuant to the Department Field Training Officers Manual (refer to Santa Barbara County Civil Service Rule 9).

1002.4.1 EXTENSION OF PROBATION

Probation can be extended for up to 60 days for sworn personnel only. This can be done in a Special EPR describing the performance problems. Soon after receiving the Special EPR, the Human Resources Bureau will set a new probation date. Sixty (60) days will be added to the original date. Notification to the employee must be made that his/her probation has been reinstated, and he/she will be given an explanation of the performance issues.

The above documentation must be submitted to the Human Resources Bureau immediately and will be attached to the employee's PC (Personnel Change) with the new probation date. This will be sent to County Personnel one (1) month prior to the end of the original probationary period (CSR 908). The supervisor should then place the employee on a performance plan for the next 60 days.

Another way an employee's probation can be extended is if the employee has missed any period of continuous leave of absence exceeding 15 days during the probation period (CSR 908). This means that the probation can be extended the amount of time the employee has been off; i.e., extended sick or military leave. A letter to the employee is required informing him/her that his/her probation has been extended and the reason for the extension. A copy of the letter is then sent to the County Human Resources Department, which will reset the employee's probation date.

FTO/CTO Programs: The most recent daily report may be attached to the first, second, and third quarter EPRs as long as the employee is still on training status. Do not attach all of the "daily evaluations." The numerical boxes still need to be checked.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three (3) types of performance evaluations:

REGULAR - An EPR shall be completed once each year by the immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted, in which case an EPR shall be completed on the anniversary of the employee's date of promotion.

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TRANSFER - When an employee is transferred from one assignment to another during an evaluation period, the new immediate supervisor should complete the evaluation with input from the previous supervisor. However, there are times when transfers of personnel occur more often than desired, especially with safety personnel. It is sometimes confusing as to which supervisor has the most insight to the employee's performance for that rating period. Therefore, the supervisor who had/has the employee for the majority of the rating period is responsible for completing the EPR or ensuring it has been completed. This is regardless of who currently supervises the employee.

SPECIAL - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (performance plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Merit Increases: If the employee is due a merit increase, check the appropriate boxes, and write in the narrative that the merit increase is approved.

NOTE: Salary increases shall not be automatic but shall be granted only upon the affirmative recommendation of the appropriate department head, including written certification that the employee's overall performance has been satisfactory or better (Civil Service Rule 409a).

1002.5.1 RATING CRITERIA

When completing the Employee Performance Summary, the rater will place a rating number in the column that best describes the employee's performance. The definition of each rating category is as follows:

(5) EXCEPTIONAL is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

(4) ABOVE SATISFACTORY represents performance that is better than expected of a fully-competent employee. It is superior to what is expected, but it is not of such rare nature to warrant exceptional.

(3) SATISFACTORY is the performance of a fully-competent employee. It means satisfactory performance that meets the standards required of the position.

(2) NEEDS IMPROVEMENT is a level of performance less than that expected of a fully-competent employee and less than standards required of the position. A "Needs Improvement" rating must be thoroughly discussed with the employee.

(1) UNSATISFACTORY performance is inferior to the standards required of the position. Very inadequate or undesirable performance 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 explain the employee strengths, employee weaknesses

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and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor and employee will sign and date the evaluation. An employee shall have the right to respond in writing within 30 days to any performance evaluation. Such response shall be brief and to the point and is to be filed with the employee's performance evaluation report.

1002.7 EVALUATION REVIEW

Before the supervisor conducts 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.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the Human Resources Bureau for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to the County Human Resources Department.

1002.9 WEAR PROGRAM GUIDELINES

The purpose of the WEAR Program (Work Evaluation and Review) within the Department is to enhance, rather than replace, the existing evaluation system.

The Department evaluates an employee's performance on an annual basis, using the EPR provided by the County. New employees, and those transferred to different assignments, should be made aware of what is expected of them in terms of performance standards, individual goals, and Department Goals and Organizational Values. If this is not done, substandard or non-directed performance goes without correction, sometimes for several years if the employee works for several different supervisors.

The WEAR Program is a tool for the supervisor to meet with his/her subordinate and discuss goals and standards in a non-judgmental way. It can also develop a concrete plan for future performance levels. The objectives of the WEAR Program are to:

- (a) Develop and maintain a level of performance by reiterating Department and Division Goals.
- (b) Develop positive attitudes by establishing individual goals.
- (c) Establish a meaningful forum between the supervisor and the employee.
- (d) Put in place a system of accountability on the part of supervisors and managers.

Things to Remember:

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- The WEAR folder should be utilized to store letters of commendation, memos of counseling, etc.
- The information within the WEAR folder should only encompass the rating period.
- Anything that could be viewed as a negative comment or a negative document must be initialed by the employee prior to it being placed in the WEAR folder.
- Performance standards will vary, depending on assignment. However, in all cases, the standards should be clearly tied to Organizational Values and Department Goals and be challenging but realistic and measurable. They must not be "work quotas."
- Use the WEAR log sheet for minor notations or scheduled meetings with employee.

1002.9.1 PROCEDURE

- (a) Supervisors will establish a WEAR folder for each subordinate and include a WEAR log sheet. When a subordinate is transferred, promoted, or reassigned, the WEAR folder will be passed on to the new supervisor, along with a copy of the employee's last evaluation.
- (b) At the beginning of the rating period or when a subordinate is reassigned, the supervisor will meet with the subordinate for the purpose of discussing strengths, weaknesses, training needs, attitudes, participation towards unit objectives, Department Values and Goals, and the individual's career goals. This interaction will be documented and placed in the employee's WEAR folder. A copy will also be provided to the employee.
- (c) Periodic interviews should be conducted to evaluate the employee's progress. More frequent interviews can be scheduled if there is a need. This can be documented in a memo or noted on the WEAR log sheet.
- (d) If substandard performance is later detected, or other problems develop, the supervisor will document the problem in a Performance Improvement Plan (PIP). The supervisor will also give guidance as to ways for the employee to improve. This document will be retained in the employee's WEAR folder for future reference and a copy provided to the employee.
- (e) The affected lieutenant and/or Division Commander will be made aware of the PIP and will review the document prior to it being reviewed and signed by the employee.
- (f) After the document has been reviewed and signed by the affected lieutenant and/or Division Commander, the supervisor will review the document with the subordinate and obtain the subordinate's signature. The employee's signature will indicate his/her understanding and acknowledgement of the PIP. The employee will be provided a copy for his/her records, and another copy will be stored in the employee's WEAR folder. It is necessary to schedule dates to evaluate the employee's progress in

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meeting the goals in the PIP. This date must be included in the PIP. It is the supervisor's responsibility to remain aware of the review date(s).

- (g) All copies of the supervisor's documentation will be kept in the employee's WEAR folder for future reference and for use in preparing the annual evaluation. A narrative identifying the employee's goals/objectives, and progress, or a lack thereof, shall be incorporated in the performance evaluation.
- (h) Once the information has been incorporated in the annual evaluation, then all documents, including the WEAR log sheet, shall be given to the employee for his/her disposal.

Promotional and Transfer Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotions and transfers within the ranks of the Santa Barbara Sheriff's Office.

1004.2 GENERAL POLICY

It is the general Agency policy that personnel shall be assigned to positions within the Sheriff's Office on the primary basis of their value to the Agency in that position and shall remain in that position until it is in the best interest of the Agency that they be reassigned elsewhere. The Agency shall not guarantee to any employee permanent status in any assignment.

The Agencies services are varied in character and must be rendered at all hours and in many locations. Therefore, members will be assigned to tours of duty and at places where the Sheriff believes that their activities will be of maximum benefit to the public. Due consideration will be given to the employee's desire to transfer, home location, hardship, or the individual's wish to broaden his/her training and experience. However, all of these factors shall be subordinate to the best interest of the public.

Assignments will not be influenced by sexual orientation, race, color, national origin, ancestry, religion, age, or marital status and will comply with the County policy regarding nepotism. Each member of the Department shall be considered as an individual possessed of certain capabilities, qualifications, and attributes and will be assigned duties where these traits best serve the Sheriff's Office.

1004.2.1 ADMINISTRATION AND AUTHORITY

All transfers between Branches shall be made upon written order signed by the Sheriff or the Undersheriff.

All transfers or reassignments within a Branch shall be made upon written order signed by the affected Chief Deputy.

All transfers or reassignments within a Division, except routine shift rotations, shall be made upon written order signed by the affected Division Commander.

All transfers or reassignments within a Bureau, except routine shift rotations, shall be made upon written order signed by the affected Bureau Lieutenant.

The Human Resources Bureau supervisor shall be provided with a copy of every transfer order, including routine shift rotation. It shall be his/her responsibility to maintain the necessary files or other references relating to employee job assignments.

1004.2.2 DIVISIONAL PROCEDURE FOR SOLICITING TRANSFER REQUESTS

When a vacancy or transfer opportunity exists, the affected Division Commander shall request the Human Resources Bureau solicit transfer requests. The Human Resources Bureau supervisor shall send a transfer opportunity announcement to all areas of the Agency advising that a transfer

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opportunity exists within a particular assignment. After the Human Resources Bureau receives all employee requests for transfer, the names will be sent to the affected Division Commander for review and/or selection. The announcement shall remain posted for at least 10 days prior to selection by the affected Division Commander.

1004.2.3 EMPLOYEE REQUESTS FOR TRANSFER

Any employee may request assignment to any position for which he/she is eligible. Requests shall be submitted to the Human Resources Bureau. A request for transfer can be submitted in response to an assignment-opening announcement or for placement on a divisional transfer list.

The Human Resources Bureau shall maintain ongoing Divisional Transfer lists for Deputies, Patrol/Custody Supervising Special Duty Deputies and Sergeants requesting a patrol divisional transfer, court services transfer or North/South branch jail floor operations transfer. The lists shall be maintained in chronological order based upon the date of the request. All requests on these lists shall remain active until the employee is transferred to the requested division or the employee requests, in writing, to the Human Resources Bureau, that his/her name be permanently removed from the list.

The Division Commander shall maintain ongoing Bureau Transfer Lists for Deputies, Supervising Special Duty Deputies and Sergeants. The lists shall be maintained in chronological order based upon the date of the request. All requests on these lists shall remain active until the employee is transferred to the requested bureau or the employee requests, in writing, to the Division Commander, that his/her name be permanently removed from the list.

An employee in the first position on the list can elect not to accept a transfer opportunity; however, after the second rejection of an assignment opportunity, the employee's name will be moved to the bottom of the list.

Employees will be asked if they accept or deny the transfer or assignment opportunity in the order in which their names appear on the current transfer list for openings as they occur. Division Commanders may decline to accept an employee with cause. Seniority on the list may be affected by factors outlined below.

A Sheriff's Deputy who is on FTO status may have his/her name placed on a transfer list, but will not be considered for transfer until completion of field training.

If a Sheriff's Deputy is assigned to Court Services, Public Safety Dispatch or Custody Operations (voluntary or involuntary), he/she will remain in that assignment until his/her term is fulfilled. The deputy will continue to accrue seniority on the transfer list and not be rotated to the bottom while he/she is in that assignment. This exemption will not be the case if the deputy chooses to stay in that assignment past the time of his/her commitment.

A Sheriff's Deputy assigned to a special assignment (CID, SOD, Administration, etc.) can remain on the list, but will not be exempt from the refusal rule of two (2) times before being rotated to the bottom of the list.

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The Division Commander assigns personnel based on vacancies and need. Once assigned to a division, a specific station request can be made through the Division Commander.

1004.2.4 SUPERVISORY RECOMMENDATION FOR TRANSFER

A supervisor or a command officer may recommend that a subordinate employee be transferred from his/her unit to another by submitting a memorandum containing such recommendation through the chain of command to the Division Commander. The recommendation should include an explanation of why such a transfer would be in the best interest of the Agency.

1004.2.5 INVOLUNTARY TRANSFERS

When the Human Resources Bureau receives no requests for transfer to a vacancy, an involuntary transfer may be made.

It shall be the responsibility of the Support Services Division, Human Resources Bureau, to establish and maintain a seniority file as a reference for use by Division Commanders.

1004.2.6 SCHEDULED VACATIONS

Employees who are scheduled to rotate to a new assignment are advised to notify their new supervisor of any vacation dates that would occur after their transfer. Any conflicts involving scheduled vacations will be worked out between the affected Divisions. No employee should be penalized scheduled vacation because of an involuntary transfer.

Once a transfer has been approved and published, any further request for vacation after the effective transfer date must be approved by the new supervisor.

1004.2.7 STATION ASSIGNMENT POLICY/NON-SWORN EMPLOYEES

Non-sworn employees may be hired to work at a specific station on a permanent basis and will not be subject to transfer between stations, except in unusual circumstances where the best interest of the Agency dictates such a transfer. These employees, however, may request a transfer to another station to fill a vacancy for which they are eligible.

1004.2.8 ASSIGNMENT TO SPECIALIZED OR TECHNICAL DUTIES

An employee who accepts a voluntary assignment to a specialized or technical position, which involves Agency time and expense to train him/her for that position, is expected to serve at least 24 months in that position before requesting a transfer. Although this obligation may not affect his/her promotion during this time, personnel are cautioned to consider this possibility when requesting such an assignment.

Upon completion of a specialized or technical assignment, the employee will return to his/her division of origin. If no opening exists at the time, the employee's name will be placed at the top of the transfer list for that division.

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1004.3 TRANSFERS TO JUDICIAL SERVICES BUREAU/PUBLIC SAFETY DISPATCH/CUSTODY OPERATIONS

The Agency provides security services to the Superior Court of the County of Santa Barbara on a contract basis. The Sheriff's Office also provides professional staffing to the Public Safety Dispatch Center and Custody Operations. During times of critical staffing shortages, Sheriff's Deputies are used as a short-term staffing resource of the above assignments. Vacancies in any of these Divisions/Bureaus may be filled by volunteers for the assignment or by involuntary transfer if there are no volunteers.

1. A voluntary or involuntary transfer to the Court Services Bureau will be for a minimum of 18 months.
2. A voluntary or involuntary transfer to the Public Safety Dispatch Center will be for a period of nine (9) months or until the critical staffing shortage no longer exists, whichever is shorter.
3. A voluntary or involuntary transfer to Custody Operations will be for a maximum of 12 months or until the critical staffing shortage no longer exists, whichever is shorter.
4. Any Sheriff's Deputy who completes a voluntary or involuntary rotation is excused from the list for further involuntary transfers to either the Court Services Bureau, Public Safety Dispatch Center or Custody Operations.

1004.3.1 VOLUNTARY TRANSFERS TO JUDICIAL SERVICES/PUBLIC SAFETY DISPATCH/CUSTODY OPERATIONS

Any Sheriff's deputy may voluntarily request an assignment to the Judicial Services Bureau, Public Safety Dispatch Center or Custody Operations under the following conditions:

1. Must have a minimum of California POST Basic Peace Officer Certificate or a POST Basic Course Waiver or re-qualification certificate;
2. Must have successfully completed the Sheriff's Office Field Training Program;
3. Must have at least one (1) year, but preferably 18 months, of patrol experience:
 - a. Patrol experience with another law enforcement agency may be counted towards this requirement with approval by the affected Division Commander.

1004.3.2 INVOLUNTARY TRANSFERS TO JUDICIAL SERVICES/PUBLIC SAFETY DISPATCH/CUSTODY OPERATIONS

When the Human Resources Bureau receives no request for transfer to a vacancy in the Judicial Services Bureau, Public Safety Dispatch or Custody Operations, an involuntary transfer may be made. In determining the selection process for transferring an employee to the Judicial Services Bureau, Public Safety Dispatch or Custody Operations because of an involuntary transfer, the following criteria shall be utilized:

1. The date the employee was appointed to the position of deputy: Employment time as a deputy trainee is not counted.

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2. The employee must have a minimum of two (2) years of continuous service as a full-time peace officer with any law enforcement agency and completed their probationary period with the Santa Barbara County Sheriff's Office. An employee who meets these minimum requirements and is closest to the minimum requirements will be the first employee transferred.
3. In the event two (2) or more employees have the same appointment date to the position of deputy, their official ranking on the certified employment list will be the secondary determining factor for selection. If two (2) or more employees have the same appointment date and ranking on the certified employment list, the date of submitting their initial application will be the third determining factor for selection.
4. A deputy selected for involuntary transfer to the Judicial Services Bureau, Public Safety Dispatch or Custody Operations may be selected from either the South County Operations Division or the North County Operations Divisions. Hardship cases may be brought before the Chief Deputy of Law Enforcement Operations for consideration to alleviate the hardship.
5. Continuous service, for the purposes of this policy, shall include time spent in active employment in any assignment, including vacation, sick leave, and military leave. In addition, continuous service shall not include any time prior to a termination and subsequent reinstatement or rehire. However, in the event that an employee who was dismissed for disciplinary reasons appeals the dismissal, and is subsequently reinstated by the Civil Service Commission as a direct result of that appeal, time worked prior to the dismissal shall count toward continuous service for the purposes of this policy. Former Carpinteria Police Department officers and deputy marshals who remain in their original Department assignments are exempt from involuntary transfers pursuant to the consolidation agreements. An officer or deputy marshal that has voluntarily transferred from his/her original Department assignment has waived his/her assignment exemption.
6. An employee working in any special duty assignment, defined in 1004.41, is excluded from involuntary transfer to the Judicial Services Bureau, Public Safety Dispatch or Custody Operations.
7. No voluntary transfer lists will be established for transfer to the Public Safety Dispatch or Custody Operations. Each time a critical staffing shortage results in the need of Deputies for Dispatch or Custody Operations, a notice requesting volunteers will be prepared and circulated by the Human Resources Bureau.

1004.4 SPECIAL DUTY ASSIGNMENTS

1004.4.1 DEFINITIONS

- (a) Senior Deputy (Patrol/Courts/Custody Supervising Special Duty Deputies): Under the direction of a sergeant or other ranking officer, a Senior Deputy will act as an assistant squad leader, assistant station commander, or assistant unit commander. In the absence of the squad leader, station commander, or unit commander, the Senior Deputy shall be responsible for the temporary supervision of the squad, station, or unit. The Senior Deputy shall assist the squad leader, station commander, or unit commander with supervision, training, and other related and assigned duties. The Senior Deputy shall have the authority commensurate with the assigned responsibility.

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Generally, this paragraph will apply to any unit within the agency, where a Senior Deputy is authorized, which is staffed by deputies/custody deputies and supervised by a sergeant.

- (b) Investigator/Detective: An Investigator/Detective, under the direction of a sergeant, shall work an assignment within an investigative detail or as a station detective. This may include, but is not limited to, assignments in Human Resources, Office of Professional Standards, and other duties requiring investigative skills and/or knowledge.
- (c) Technical/Specialist Deputy: A Deputy/Custody Deputy may be assigned Special Duty Deputy status to perform certain technical/specialist functions. This may include, but is not limited to, assignments in Crime Prevention, Crime Analysis, High Tech Crimes, Training, Classification, and other duties requiring special or technical skills and/or knowledge.

1004.4.2 QUALIFICATIONS

Persons selected for Special Duty Deputy assignments shall be off of probation and have at least two (2) years experience as full-time sworn officers as defined by the California Penal Code with at least 18 months with the Agency.

1004.4.3 SELECTION PROCESS

It shall be the policy of the Sheriff's Office to select the most qualified person for the assignment. This will include consideration of all qualified personnel submitting an application regardless of assignment. When a Special Duty Deputy assignment becomes vacant or a new assignment is created, the following shall occur:

- (a) A notice shall be prepared and circulated by the Human Resources Bureau describing the assignment. It shall include the division and unit where the assignment is located. If the assignment exists for more than one (1) geographical location within the County, those locations shall be defined in the notice.
- (b) The notice shall be distributed Agency wide and shall instruct all interested personnel to submit an application, a resume', and any other relevant attachments as desired by the applicant for the position to the Human Resources Bureau by the specified deadline date. The notice shall be posted for at least 14 calendar days prior to submission of the applicant list to the Division. Each notice posted shall contain the following paragraph, correctly filled in with the proper dates. "The list of applicants created by response to this notice will remain in effect for 120 days. It will be held by the affected Division Commander for 120 days after the closing date noted within this flyer." At the discretion of the Sheriff, the list may be extended for up to an additional 60 days.
- (c) The Human Resources Bureau shall validate and submit a list of qualified candidates to the affected Division Commander. In addition, the Human Resources Bureau will compile a candidate's packet containing his/her application/memorandum, resume', and any other submitted attachments to the affected Division Commander.
- (d) The Division Commander of the unit in which the vacancy is available shall appoint an Oral Interview Panel consisting of three (3) sergeants. When the selection is for a

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Supervising Senior Deputy vacancy, the Oral Interview Panel will consist of a sergeant from North County Operations, a sergeant from South County Operations, and a sergeant from the Court Services or Criminal Investigations Division. The affected Division Commander will insure that each member of the Oral Interview Panel receives a copy and/or has an opportunity to review each candidate's packet prior to the oral interviews.

- (e) Each qualified candidate shall be invited for an oral interview conducted by the Oral Interview Panel. Each candidate shall be asked a pre-approved set of questions related to the position for which the candidates are applying. All interviews shall be tape recorded. The affected Division Commander or his/her designee shall be responsible for developing the interview questions and providing them to the Oral Interview Panel immediately prior to the interviews. The affected Division Commander shall approve all interview questions in advance.
- (f) Each member of the Oral Interview Panel will rate each candidate using a standardized numeric rating form provided by the Human Resources Bureau. The average of the three scores will be the final score. The minimum passing score for each candidate is 70 points out of a possible 100 points (70%).
- (g) At the conclusion of the oral interviews, the Oral Interview Panel shall give all the scoring sheets, questions, notes, and tape recordings to the affected Division Commander. The affected Division Commander shall rank each passing candidate by his/her final score. The top five (5) candidates will be considered in the "area of selection." If there is more than one (1) vacancy being filled by the Division in this selection process, one (1) additional name will be added to the area of selection for each additional vacancy.
- (h) A Bureau Lieutenant will be assigned by the affected Division Commander to review the personnel files of the top 5 ranking applicants to include recent performance evaluations, commendations and discipline.
- (i) The affected Division Commander will then discuss the candidates within the area of selection with his/her lieutenants and forward the selected applicant's name to his/her Chief Deputy or immediate supervisor via the chain of command for final approval and assignment.
- (j) The affected Division Commander shall retain all oral interview material and tapes for at least 14 days after an appointment has been made from the list.

Temporary assignments of 120 days or less in duration will be made at the discretion of the affected Division Commander while taking into consideration the requirements of Policy Manual § 1004.4.2. Alternatively, the applicable Chief Deputy may make TDY Supervising Senior Deputy appointments from an established and valid Supervising Senior Deputy eligibility list on file with the Sheriff's Human Resources Bureau. These TDY appointments made by the Chief Deputy will not expire until the TDY position is lost, either because the permanent employee returns to duty or the applicable TDY employee is made permanent through another opening. If a permanent Supervising Senior Deputy position opens and one or more Chief Deputy appointed TDY Supervising Senior Deputies are available, the permanent appointment will be given to the TDY Supervising Senior Deputy with the most consecutive in-grade seniority.

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1004.5 TRANSFERS AND REASSIGNMENTS

Category A - Senior Deputies/Custody Senior Deputies: Senior Deputies may be reassigned from one squad/unit to another within the same Division at the discretion of the affected Division Commander.

Category B - Investigator/Detective: Special Duty Deputies assigned as investigators/detectives may, at the discretion of the affected Division Commander, be reassigned from one unit to another within the bureau of the Division. Investigators/detectives may not be reassigned from one bureau to another, such as Criminal Investigations Bureau to Special Investigations Bureau, without applying through Human Resources during the opening of a position and participating in the competitive testing process. However, criminal investigators/detectives may be transferred between the North County and South County Criminal Investigation Bureaus at the discretion of the Division Commander.

Category C - Technical-Specialist Deputy/Custody Deputy: Due to the unique requirements and skills required for each of these assignments, Deputy II's may not automatically transfer from one assignment to another within this category. At the discretion of the respective Division Commander, they may be reassigned within their current operational area.

Category D - Sergeants: The Agency recognizes the need to put the most qualified candidate into specialty Sergeant positions, which includes all positions except patrol operations, court services and North/South branch jail floor operations. As such, when a specialty Sergeant assignment becomes vacant, the affected Divisional Commander shall request the Human Resources Bureau solicit transfer requests. All qualified Sergeants will submit a memo of interest and their resume for review by the affected Divisional Commander and his Bureau Lieutenant(s). The Divisional Commander and Bureau Lieutenant(s) will select their candidate based on qualifications and what is in the best interest of the Sheriff's Office.

Special Duty Deputies/Custody Special Duty Deputies requesting transfers from one category to another shall submit an application to the Human Resources Bureau. These requests will be considered with all other applications submitted for specific assignments.

When, in the opinion of the Sheriff or his/her designee, circumstances dictate that it is in the best interest of the Agency that an individual be transferred, rotated, or retained in a current assignment contrary to the procedures established in this order, such action may be taken at his/her discretion.

1004.6 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the County Human Resources Department.

1004.7 SHERIFF'S DISCRETION

The Sheriff retains the right to make any assignment he deems in the best interest of the Office.

Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is a mutual obligation on the part of administrative, supervisory, and non-supervisory employees of the County of Santa Barbara County to provide efficient and continuous services to the public. Employee morale is an important factor in maintaining a high level of public service, and Staff has a responsibility to provide an orderly and expeditious method for resolving problems that may arise from working relationships and conditions. The aggrieved employee shall have the assurance that the filing of a grievance will not result in reprisal of any kind.

1006.2 GRIEVANCE DEFINED

A complaint relating to any phase of an employee's employment or working conditions that the employee believes has been adversely affected because of a misapplication of any of the following:

- Memorandum of Understanding
- Ordinance
- Resolution of the Board of Supervisors
- Written policies
- Administrative orders or
- A clearly established lawful past practice of the Department relating to the employment of the individual (provided, however, that such complaint shall not include an action subject to the jurisdiction of the Civil Service Commission or any other matters which are otherwise reviewable pursuant to another administrative remedy). If a grievance is alleged relating to a past practice, the grievant must first establish that the practice has existed and, if sustained, any decision relating to the grievance shall only apply to the specific grievance and shall not be considered a precedent.

When two (2) or more employees experience a common grievance, they may initiate a single grievance proceeding.

1006.3 PROCEDURE

The procedure for each employee's bargaining unit is located in the appropriate Memorandum of Understanding and is intended to provide an orderly method for processing grievances in the interest of obtaining a fair and equitable solution.

Anti-Retaliation

1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1008.2 POLICY

The Santa Barbara County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1008.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

A deputy or other member of this organization shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy or employee to a supervisor or other person in the Office who has the authority to investigate the violation (Government Code § 7286(b)).

1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the Human Resources Bureau Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

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- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1008.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1008.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

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1008.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Office shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1008.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Arrests and / or Convictions

1010.1 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.

1010.2 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

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 office may be inherently in conflict with law enforcement duties and the public trust.

1010.3 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office 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 or becomes the subject of an outstanding warrant.

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.

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Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.4 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. Employees 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 or ammunition as a part of the individual's 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 Office 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.

1010.4.1 NOTIFICATION REQUIREMENTS

The Operations Support Commander or designee shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

The Operations Support Commander or designee shall submit within 10 days a notice to 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 office (11 CCR 1003).

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1012.3.2 USE OF MARIJUANA SWORN PERSONNEL

Possession or use of marijuana, including medical marijuana, or cannabis products which contain the psychoactive ingredient of THC (tetrahydrocannabinol), is prohibited either on or off-duty, and may lead to disciplinary action.

NON-SWORN PERSONNEL

Possession of marijuana, including medical marijuana, cannabis products which contain the psychoactive ingredient of THC (tetrahydrocannabinol) or being under the influence of marijuana while on-duty or at a Sheriff's Office facility is prohibited and may lead to disciplinary action.

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1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Bureau, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1012.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.

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- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1014.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1014.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1014.4 EXTENDED MEDICAL ABSENCES

Any employee medically certified as unfit for duty due to psychological or emotional disability shall immediately turn in his/her badge, identification card, Department-issued weapon, and equipment

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to the Special Services Bureau. This will be accomplished within 24 hours after the employee is notified that a disabling condition exists. If it is not practical for the employee to turn in the equipment to the Special Services Bureau, he/she shall give his badge, identification card, and Department-issued weapon to his/her immediate supervisor and arrange to turn in his/her other equipment later.

Any time an employee is required to turn in his/her badge, identification card, and Department-issued weapon, he/she is ordered to refrain from taking any action as a Department employee or in an official capacity and is precluded from carrying any concealed weapon unless specifically authorized by the Sheriff.

An employee on leave after being medically certified as unfit for duty for reasons other than psychological or emotional disability, may maintain his/her ability to carry a concealed firearm off-duty pursuant to Penal Code § 25900 as long as he/she:

- (a) Has no medical restrictions which preclude the employee from safely operating and firing a firearm with either hand
- (b) Is not currently taking any prescribed medication that the employee knows, or should have known, has inhibited his/her ability to safely handle a firearm and/or impaired his/her ability to make deadly-force decisions
- (c) Maintain Department required firearms qualification relating to off-duty firearms pursuant to Policy Manual § 312.23 while on medical leave. Failure to qualify will preclude the employee from carrying a concealed weapon off duty.

An employee on an extended medical leave beyond 90 days for reasons other than psychological or emotional reasons shall, at the discretion of the Sheriff or his/her designee, turn in his/her badge, identification card, Department-issued weapon, and equipment to the supervisor of the Human Resources Bureau.

The Sheriff reserves the right to send an employee to a physician of the Department's choosing to further ascertain if the employee meets the requirements to carry a firearm off-duty while on medical leave as set forth in this policy.

The Department will notify the employee in writing should his/her medical restrictions preclude the employee from carrying a firearm off duty while on medical leave.

1014.5 REQUIRED NOTICES

The Lieutenant shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Santa Barbara County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Santa Barbara County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE CONTROL OFFICER

The Sheriff's Human Resources Bureau manager is the designated Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other office members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Office website (Health and Safety Code § 1797.188).
- (g)

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Santa Barbara County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Santa Barbara County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Santa Barbara County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1018.4.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Santa Barbara County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY

The Santa Barbara County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the 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 may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1020.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the bureau facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Office (Penal Code § 832.7).

1020.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1020.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a deputy has in the previous seven years, and since 18

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years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1020.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1020.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1020.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.

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- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and the Sheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Bureau and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Santa Barbara County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

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1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1020.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or office policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1020.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

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Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1020.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1020.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Santa Barbara County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

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1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff or designee through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Sheriff or designee may accept or modify any classification or recommendation for disciplinary action.

1020.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff or designee shall review the recommendation and all accompanying materials. The Sheriff or designee may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff or designee is satisfied that no further investigation or action is required by staff, the Sheriff or designee shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended

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discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1020.10.1 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1020.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1020.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

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In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1020.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Office and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect a deputy's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.

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4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Santa Barbara County Sheriff's Office based on allegations of conduct by a deputy.

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

1020.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a deputy to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Office
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved deputy
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved deputy
- (f) A change in employment status of the involved deputy (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the deputy's service record as provided by 11 CCR 1207.

1020.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 1. The Office shall provide the name of the body conducting the proceeding.
 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:

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1. The name of the court having jurisdiction over the criminal charges against the deputy.
2. The status of the criminal case, if known.

Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Vehicle Code § 27315.5).

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any office vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.4 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 POLICY

It is the policy of the Santa Barbara County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1022.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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 Santa Barbara 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.

1024.2.1 USE OF SOFT BODY ARMOR

The Department encourages all on-duty deputies to wear soft body armor; their use in some instances is required.

The wearing of a safety vest may be mandatory when deputies are assigned to an SET operation, the service of a felony arrest warrant, or service of a search warrant at a location where there is reason to believe a felony suspect may be present.

1024.2.2 RETURN OF ISSUED BODY ARMOR

Upon an employee's separation, Department-issued body armor will be returned to Special Services as outlined in Policy Manual §700.6. The exception to this policy is body armor purchased by the employee as an upgrade to the Department issue.

1024.3 RANGEMASTER RESPONSIBILITIES

The 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.

Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1026.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Office to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Executive, County Counsel or other attorneys or representatives of the County in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a deputy from this office for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1026.8.3 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to a deputy for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the Santa Barbara County Sheriff's Office to consider equally all requests for change of assignment. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memorandum expressing their desired assignment. The memo should then be forwarded through the chain of command to their Division Commander.

1028.3 REQUEST FOR COLLATERAL ASSIGNMENT

Personnel who desire to serve in a collateral assignment shall submit a memorandum to the Human Resources Bureau indicating their interest in a particular position. A copy of the memorandum will be sent, via chain of command, to the employee's Division Commander as well. Upon receipt of the memorandum, the Division Commander will send an email to the commander of the collateral assignment acknowledging the employee's desire to apply for the position.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 POLICY

It is the policy of the Santa Barbara County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this Department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

Department commendations shall be e-mailed directly to the Sheriff for his/her review. After review, his/her remarks will be e-mailed to the recipient(s) and forwarded to the Human Resources Bureau electronically. With the implementation of this procedure, Department commendations will be handled completely by e-mail.

- (a) Forward the commendation memo as an e-mail enclosure or use the e-mail message screen to send the commendation directly to the Sheriff.
- (b) In the "cc" section of e-mail, copy the involved individual and anyone else who should receive a copy (chain of command, person in charge of WEAR files). Do not copy the Human Resources Bureau.

After the Sheriff reviews the commendation, he/she will forward it to the Executive Secretary who will then e-mail the involved individual with the Sheriff's comments and forward the commendation to the Human Resources Bureau. The Human Resources Bureau will print each commendation and place it in the employee's personnel file. If more than one person is being commended, the Human Resources Bureau will make copies for each file.

Letters of Commendation received from outside agencies and citizens should be forwarded to the Sheriff who will sign the commendation and a copy will be sent via inter-office mail to the attention of the individual, his/her supervisor, and the Human Resources Bureau.

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).

The purpose of this policy is to establish consistent procedures for ordering and implementing psychological fitness for duty evaluations of sworn personnel and other personnel involved in public safety functions. Such evaluations are necessary for the safety and welfare of the community and Department personnel and to insure compliance with California law. California Government Code § 1031 (f) mandates that all peace officers in California be found to be free from any physical, emotional, or mental condition, which might adversely affect the exercise of the powers of a peace officer."

It is neither the intention of this policy to interfere with a supervisor's ability to recommend or suggest personal counseling to a subordinate nor is this policy intended to alter or replace confidential counseling provided by the Department because of critical incidents. Rather, this policy is intended to provide a mechanism for the assessment of an employee's medical, mental, and emotional ability to perform essential functions of his/her position. This is when the employee's conduct, behavior, and/or circumstances indicate to a reasonable person that continued service by the employee might be a threat to public safety, the safety of other employees, or the safety of the particular employee. The behavior or condition could also interfere with the Department's ability to deliver effective law enforcement services.

Under Civil Service Rule 1004, the first requirement that must be met before a medical exam can be performed is "reasonable cause." The supervisor must document the reason he/she believes the employee cannot perform the work of his/her position. Reasonable cause must be "clearly articulable" and supported by evidence.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable

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to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

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.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Supervisor or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

To assist in determining the continuing emotional and mental fitness of a deputy and his/her ability to carry out his/her essential duties as an armed peace officer and other employees whose duties affect the public safety, all supervisory employees should be alert to any indication that an employee may not be emotionally or mentally fit. Such indications may include, but are not limited to, the following factors. The mere presence of any one (1) factor or combination of factors may not be sufficient to order the evaluation. However, such presence should not be ignored and may lead to the ordering of an evaluation. While there is a great variety and range of acceptable behavior among employees, dramatic or sudden changes in any particular employee's customary behavior may increase concern. For example:

- One or more personnel complaints, whether originated internally or externally, particularly complaints of the use of force
- Unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating an inability to exercise self-control and self-discipline
- An abrupt and negative change in customary behavior toward an inability to perform essential functions of the position
- Irrational verbal conduct or behaviors, including delusions and hallucinations
- Suicidal statements or behaviors or personal expressions of mental instability
- Unexplained and excessive tiredness or hyperactivity
- Dramatic change in eating patterns resulting in sudden weight loss or gain or diagnosis of a life-threatening eating disorder

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- Change in behavior pattern to inattention to personal hygiene and health
- Inappropriate use of alcohol, medications, or other drugs, including symptoms of illegal drug use
- Memory losses
- Impatience or impulsiveness, especially with a loss of temper
- A pattern of conduct indicating a possible inability or decrease in ability to defuse tense situations, and a tendency to escalate such situations or create confrontations
- Unexplained and inappropriate excessive lateness or absenteeism
- Any other factor or combinations of factors that causes a supervisor to reasonably suspect that a fitness-for-duty evaluation may be necessary

1032.4 NON-WORK RELATED CONDITIONS

Any supervisor observing circumstances indicating that the emotional or mental fitness of an employee may be in question should meet with the employee, if to do so will not aggravate the situation. If the meeting does not relieve the supervisor's concerns, or no meeting is conducted, the involved supervisor shall contact his/her Division Commander and prepare a written report of the circumstances if so directed. The Division Commander or his/her designee shall advise the Sheriff, via chain of command, of the circumstances.

An employee is not required to disclose a disability to a supervisor; however, a supervisor may inquire regarding the conduct, behavior, or circumstances that give rise to his/her concerns. Where appropriate, a supervisor and employee may also discuss reasonable accommodations that may enable the employee to perform the essential functions of his/her position.

1032.4.1 RELIEF FROM DUTY

In aggravated circumstances, such as when an employee's conduct immediately or directly threatens safety, a supervisor may immediately relieve the employee of duty (with pay) pending further evaluation. In other cases, employees may be relieved from duty or reassigned as necessary for public safety or the efficient operation of the Department, pending completion of an evaluation. Any readily accessible or Department-provided weapons or other Department property may be seized by the supervisor and, where appropriate, the employee ordered not to exercise peace officer or other official powers. Nothing in this policy is intended to prevent or limit a supervisor from taking any emergency action reasonably necessary to protect life or property.

1032.4.2 ORDER FOR THE EVALUATION

The Sheriff or his/her designee may determine, in the exercise of his/her discretion and with or without additional investigation, that a fitness-for-duty evaluation is or is not warranted. If an examination is warranted, it should be scheduled for the earliest opportunity.

According to Civil Service Rule 1004 (Medical Re-evaluation), an employee has the right to a medical examination by a medical physician prior to his/her psychological exam. The employee will be notified of this in written form.

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The employee should receive a written order for the evaluation. Such an order should include a brief description of the reasons for the evaluation. It should also specify the date, time, and place of the evaluation, the name of the psychologist conducting the evaluation, a directive to cooperate with the psychologist's and/or staff requests (and completely and honestly answer any questions posed by the psychologist and/or staff), and notice that the evaluation is being conducted for use by the Department. The notice shall also state that the evaluation is confidential between the employee and the evaluator to the extent required by the Confidentiality of Medical Information Act (Civil Code § 56, et seq.), which allows the evaluator to release limited information to the Department as specified below.

1032.4.3 REQUIREMENTS FOR THE EVALUATOR

The evaluator will be designated by the Department and must meet the requirements of Government Code § 1031 (f), which requires the mental and emotional condition of officers "shall be evaluated by a licensed physician and surgeon or a licensed psychologist with a doctoral degree in psychology and at least five (5) years of postgraduate experience in the diagnosis and treatment of mental disorders." The evaluator shall be instructed by the Department to only release that information as allowed under this policy or as otherwise required by law.

1032.4.4 LIMITED SCOPE OF REPORT

The Department has a right to information that is necessary to achieve a legitimate purpose. The evaluation is ordered by and conducted for the Department. It is not for the purpose of treatment but to determine fitness for duty. The limited verbal and/or written results of the evaluation will be provided to the Department as a confidential personnel record. The report and information received by the Department shall be limited to the following:

- A conclusion regarding the determination of fitness for duty
- A description of the functional limitations of the employee
- Whether or not the condition that leads to the functional limitations is industrial or non-industrial in nature
- Other information to the extent authorized by law, necessary to achieve the legitimate purpose of the employer
- No statement of medical cause shall be included

1032.4.5 EXCEPTION

Where the employee has initiated a lawsuit, arbitration, grievance, worker's compensation claim, or other claim or challenge involving his/her medical history, mental or physical condition, or treatment, the report may contain information which is relevant to that action. An employee may waive in writing any or all restrictions on the information reported to the employer.

1032.4.6 DISPOSITION OF REPORT

The Department shall establish appropriate procedures to protect the information from unauthorized use or disclosure. The report will be placed in a sealed envelope and retained in

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the employee's separate secure medical file in the Human Resources Bureau. The report may only be used or disclosed in a legitimate and appropriate proceeding to the extent authorized or compelled by law or agreement.

1032.4.7 REFUSAL TO COOPERATE

Refusal to comply with the order or any of its parts or with reasonable requests by the evaluator shall be deemed insubordination and shall be grounds for disciplinary action up to, and including, termination. Statements made to the evaluator shall be considered compelled and may not be used in a criminal or civil proceeding against the employee.

1032.4.8 DISPOSITION

Depending upon the results of the evaluation and the recommendation of the evaluator, the Department may:

- Return the employee to full duty
- Place the employee on temporary light or modified duty
- Remove the employee from any duties pending treatment and re-evaluation
- Conditionally allow full or modified duty on receipt of treatment
- Institute or resume disciplinary proceedings as appropriate
- Institute proceedings to terminate employment or, when appropriate, offer an alternative position for which the employee may be qualified

Where possible, it is always the Department's intent to rehabilitate an employee and achieve a return to full-duty status.

1032.5 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct policy (340).

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals, insofar as possible, shall conform to the policy governing all County employees that has been established by the Board of Supervisors or otherwise stipulated by a Memorandum of Understanding.

1034.1.1 MEAL PERIODS

Employees are generally entitled to one (1) meal period each day. However, the meal period may not be possible due to operational needs as determined by management on any given day.

The time spent for the meal period will be determined by the affected Division Commander and shall not exceed the authorized time allowed. The duty status of the employee during meal periods shall also be determined by the affected Division Commander.

1034.1.2 REST BREAKS

It is the Department intent that, whenever feasible, employees will receive a 15-minute rest break for each four (4) consecutive hours worked. A supervisor may grant rest breaks to employees for every four (4) consecutive hours of work.

Rest periods cannot be taken at the beginning or end of a work period or accumulated for use at another time.

Employees normally assigned to the Department facility shall remain in the 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 the dispatcher.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1035.2 POLICY

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1035.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member ends her shift.

1035.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Time Sheet 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 TIME SHEETS

Employees are responsible for the accurate and timely submission of time sheets for the payment of wages.

At the end of each bi-weekly pay period, a time sheet accounting for an employee's time must be submitted, via electronic mail or paper time sheet, to the Human Resources Bureau. This time sheet becomes the basis for the employee's pay. If a time sheet is not submitted, no pay will be forthcoming.

Each time sheet must be signed by the employee and the employee's supervisor. Through the Employee Information System (EIS), these signatures are generated electronically when the employee sends the time sheet to his/her supervisor and when the supervisor approves the time sheet. It is the responsibility of each supervisor to assure that employees under his/her supervision correctly complete their time sheets.

All hours should be posted daily. Particular attention should be given toward using correct and appropriate earning and accounting codes. A list of current codes may be found on the Department's Internet Home Page, Library Link, Personnel Section. Portions of hours shall be reported in increments of tenths of an hour, i.e., .1, .2, .3, .4, etc.

Overtime must be noted on the time sheet and on a completed overtime slip (SH-305). The employee, his /her supervisor, and the Division Commander or his/her designee shall sign the overtime slip (refer to Policy Manual § 1038 Overtime Reporting.)

1036.1.2 PROCEDURES FOR MODIFYING OR COMPLETING AN INCOMPLETE TIME SHEET

Any changes made to a time sheet by a supervisor after the employee sends it negates the employee's signature on the time sheet. The supervisor should make the corrections and have the employee send his/her time sheet again for approval. When this is not feasible, the supervisor will correct and approve the time sheet and notify the Department's Human Resources Bureau and the employee of the specific changes made, including accounting codes, by sending a single email to the employee and to mailbox "Timecard, Payroll." (The email sent to "Timecard, Payroll" must be the same transmission sent to the employee NOT a forwarded email.) The same procedure must be followed in instances where a supervisor must complete and/or approve an unsent and unsigned timesheet when the employee is unavailable.

When an employee must make changes or additions to his/her time sheet after it has been sent and approved, the employee will send a single email requesting a time sheet change or addition detailing what needs to be changed or added, including earning and accounting codes,

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to mailbox "Timecard, Payroll" and to their immediate supervisor. The Department's Human Resources Bureau personnel will subsequently send a confirmation email to the employee and his/her supervisor.

1036.1.3 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis, usually on Thursday, with certain exceptions such as holidays. Time sheets shall be completed and submitted to the Department's Human Resources Bureau no later than 9 AM on the Monday morning following the end of the pay period, unless specified otherwise.

1036.1.4 DAYLIGHT SAVINGS/STANDARD TIME

When there is a time change from Daylight Savings Time to Standard Time, and an employee works for a period beyond the regular shift time, overtime for the extra hour worked is earned.

When there is a time change from Standard Time to Daylight Savings Time, and an employee works for a period less than the regular shift time, the extra hour not worked must be accounted for by use of accrued leave balances or augmented within the pay period.

1036.2 RECORDS

The Operations Support Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

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 the Memorandum of Understanding (M.O.U.) or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete his/her time sheet correctly by inserting the proper earnings code (OTR for overtime payment and OTA for overtime accrual).

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.

No non-exempt employee is authorized to "volunteer" work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

No employee covered by this policy shall work more than (18) eighteen hours in a 24 hour period. Exceptions may be authorized by a commander in the event of an unplanned or un foreseen event or an emergency situation. Division Commanders may restrict this further by directive or procedure in the interests of employee safety.

Employees are to record the actual time worked in an overtime status. In some cases, the M.O.U. provides minimum times will be paid; e.g., two (2) hours for court, two (2) hours for contract overtime, etc.

Partial hours of overtime worked are to be accounted for in tenths of an hour.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed 240 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Operations Support Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 PRE-SCHEDULED OVERTIME EVENTS (OVERTIME OPPORTUNITIES KNOWN IN ADVANCE)

- (a) A request for persons interested in working overtime is sent via Department e-mail. Depending on the overtime event and personnel needed, the e-mail should be sent to !!All Sheriff Employees, !!Sworn Personnel, !Custody Deputies, etc. The e-mail shall include:

1. Number of employees needed

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2. Date, time, and location of event
 3. Uniform of the day
 4. Proper FIN codes (Program/Organization Unit/Project/Activity/Area)
 5. Earnings Type for event
 6. Expected number of hours
 7. Whether overtime should be charged to the County or a contract city
 8. Name of supervisor authorizing overtime. Normally this is the Station Lieutenant, Bureau Commander, Shift Commander, etc.
- (b) A confirmation e-mail from the person responsible for scheduling the overtime event is sent to whomever is selected to work event.
1. The employee forwards a copy of the confirmation e-mail to his/her supervisor and keeps this confirmation e-mail until his/her time sheet is approved.
- (c) After the overtime event, the employee working the overtime completes the time sheet and the overtime slip. The employee ensures that:
1. Proper Payroll/FIN Codes, Earnings Type, and hours worked are entered on both the time sheet and the overtime slip.
 2. Appropriate Earnings Code for overtime has been marked:
 - (a) SVR if it is an overtime event being reimbursed by an outside entity (e.g., high school dance or football game). NOTE: The time MUST be coded SVR for these events. SVR is paid in the same pay period the overtime is worked and cannot be accrued.
 - (b) OTA if the employee wants to accrue the overtime to be taken off or paid out at a later date.
 - (c) OTR if the employee wants the overtime to be paid in the same pay period.
 3. Appropriate box has been marked indicating overtime is County related or contract city related. Any questions regarding whether or not overtime should be charged to a contract city should be directed to the employee's sergeant or station commander.
 4. Name of the person who was identified in the original e-mail as being the person authorizing the overtime is entered in the "Supervisor Authorizing OT" box on the overtime slip.
 5. Comments on type of event for whom employee backfilled, etc., are entered in the "Reason for Overtime" section on the overtime slip. (Include the case number, if any.)

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6. Comments on type of event, case number, etc., are entered in the "Memo" section of the time sheet.
- (d) The overtime slip is printed and signed by the employee and submitted to the employee's supervisor.
- (e) The employee sends the electronic time sheet to his/her supervisor.

1038.2.2 UNSCHEDULED OVERTIME EVENTS (HELD OVER ON A SHIFT/LAST MINUTE OVERTIME NEEDS):

- (a) Complete the overtime slip and time sheet as described in Policy Manual § 1038.21. "Supervisor Authorizing OT" will normally be the shift supervisor for whom the overtime was worked.
- (b) Include a description of overtime event in the "Reason for Overtime" section on overtime slip and well as in the "Memo" section of the time sheet.
- (c) Short periods of work at the end of the normal duty day (e.g., less than one (1) 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 an overtime slip for such a period, the employee shall comply.

1038.2.3 COURT OVERTIME:

- (a) Complete both the overtime slip and the time sheet as described in Policy Manual § 1038.21. "Supervisor Authorizing OT" will be the employee's usual shift supervisor.
- (b) Enter Activity Code 4070 under "ACTV" on the time sheet and the overtime slip.
- (c) Provide the defendant's name, charges, and original case/citation number in the "Reason for Overtime" section on overtime slip and in the "Memo" section of the time sheet.
- (d) The employee shall retain the court subpoena for at least one (1) week after the time sheet has been submitted.

1038.2.4 SUPERVISOR RESPONSIBILITY:

- (a) The supervisor compares overtime slip to the time sheet to ensure that all codes and hours match.
 1. If the supervisor has questions regarding the codes used, the confirmation e-mail the employee forwarded should contain all pertinent information as well as the name of the authorizing supervisor of the overtime event should there still be any questions.

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2. If questions arise regarding overtime for a court appearance, the employee will provide a copy of the court subpoena.
- (b) The supervisor approves the time sheet and signs the overtime slip. The overtime slip is forwarded to the Bureau Commander/Shift Commander.

1038.2.5 BUREAU COMMANDER/SHIFT COMMANDER RESPONSIBILITY:

- (a) The Bureau Commander/Shift Commander reviews the overtime slips for accuracy and signs the overtime slips.
- (b) The Bureau Commander/Shift Commander ensures that the originals of overtime slips are forwarded/faxed to the Human Resources Bureau as soon as possible after the first Monday after the pay period ends. If faxed or sent via email, the originals of the overtime slips shall be forwarded via interoffice mail as soon as possible to the Human Resources Bureau.
- (c) Each Division Commander or Bureau Commander may require additional procedures to meet his/her needs and may add such procedures to this policy.

1038.2.6 VARIATION IN TIME REPORTED

Where two (2) 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 field supervisor or other approving supervisor may require each employee to provide the reason for the variation on the overtime slip "Memo" section.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

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 policy, 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 complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved Outside Employment Application. Unless otherwise indicated in writing on the Outside Employment Application, the approval will be valid indefinitely.

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 Application 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).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

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

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- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

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
- (e) Renders the employee unavailable during an emergency
- (f) Involves investigative work for insurance agencies, collection agencies, attorneys, or bail bond agencies, or work for an employer who has been convicted of a felony or who openly associates with convicted felons

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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.

- (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. Outside security services shall not be subject to the collective bargaining process.
 - 6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

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.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

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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 the Revocation/Suspension of Outside Employment Permits section of this policy.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, 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.

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 or not 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 work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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- (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 Santa Barbara County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

Military Leave

1041.1 PURPOSE AND SCOPE

This policy provides the procedures for granting military leave to employees.

An employee shall be granted military leave as specified below, provided that the employee gives advance verbal or written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. In the granting of such leave, the department may require verification of an employee's military orders.

1041.2 TYPES OF MILITARY LEAVE

Military leave consists of:

1. Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills.
2. Temporary military leave when ordered to fulltime active military duty for training for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.
3. Extended military leave when an employee enlists or is ordered into active-duty service of any length or active-duty training in excess of 180 days or when an employee is ordered into active Federal military duty as a member of the National Guard or Naval Militia. Such leave shall be granted for a period not to exceed five (5) years. In addition, leave shall be granted for a period up to six (6) months from the date of release from duty.
4. Emergency National Guard leave when an employee who as a member of the National Guard is called to active duty by proclamation of the Governor during a state of emergency. An employee who as a member of the National Guard is called to active federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave but shall be granted extended military leave.
5. Physical examination leave when an employee is required to take a pre-induction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law or during a period of war or comparable national emergency.

1041.3 MILITARY LEAVE PAID (MIL)

An employee granted temporary military leave for active-duty training, inactive-duty training, or extended military leave is entitled to receive the employee's regular Department pay for the first 30 calendar days not to exceed 176 hours in any one fiscal year, provided that the employee has completed 12 months of continuous Department service immediately prior to the granting of the leave (all prior full-time military service shall be included in calculating this Department service requirement) and provided that the aggregate of payments for inactive-duty training, temporary military leave, extended military leave, and military leave for physical examination do not exceed 30 calendar days' or 176 hours in any one (1) fiscal year. Note: The 176 hours will reset at the beginning of each fiscal year.

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An employee granted physical examination leave is entitled to receive the employee's regular Department pay provided that:

- a. The physical examination is a pre-induction or pre-enlistment physical examination required to fulfill a commitment under a Selective Service or comparable law or during a period of war or comparable national emergency.
- b. The aggregate of payments for temporary military leave, extended military leave, and military leave for physical examination do not exceed 30 calendar days or 176 hours in any one (1) fiscal year. Time off for other physical examinations in connection with military service may be charged to accrued sick leave, accrued vacation leave, or accrued compensatory time off, or shall be without pay.

An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular Department pay for a period not to exceed 30 calendar days or 176 hours in any one (1) fiscal year. An employee is eligible for pay regardless of the length of Department service, and such pay is in addition to any Department payment for temporary military leave for active-duty training, extended military leave, and military leave for physical examinations.

An employee who is not eligible for military leave with pay may have such absence charged to accrued vacation or compensatory time off, or the military leave may be without pay.

1041.4 MILITARY LEAVE SUPPLEMENT (MLS)

A regular employee is eligible to receive MLS if called to active duty to serve in the War on Terrorism, which for purposes of this program commenced on September 11, 2001. Paid leave of absence (MLS) shall commence after the initial 30 calendar days or 176 hours of full salary has been paid as specified in Military and Veterans Code § 395.01 and 395.02 for a regular employee who is absent from work due to being ordered to active military duty to serve in the War on Terrorism. MLS shall cease on the date the employee is released from active military duty in the War on Terrorism or at the end of 24 months of paid MLS, whichever occurs earlier. MLS may be extended beyond the 24 months of paid leave, pursuant to the sole discretion of the Board of Supervisors. If an employee is called to serve in the War on Terrorism, temporarily released and recalled, the 30-day full salary under the Military and Veterans Code does not start over but MLS resumes.

1041.5 WORKING WHILE ON MILITARY LEAVE

An employee on military leave may perform services for the Department in a non-paid, volunteer status as long as the employee does not make direct personal contact or otherwise personally and directly participate in the detentions, arrests, searches, and/or seizures of civilian suspects. "Indirect" support is permissible (advice, in-house training, participation in organizations/meetings, etc.). For example, participating in Explorer post meetings and community events is permissible so long as the activities do not involve any direct law enforcement activity with potential civilian suspects.

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1041.5.1 PERMISSION TO WORK FROM MILITARY COMMANDER

An employee on military leave shall check with his/her military commanding officer for official permission prior to offering any assistance to the Department as described above. The employee will provide proof of permission prior to engaging in any off-duty employment activity.

1041.5.2 SUBPOENAED WHILE ON MILITARY LEAVE

If an employee is subpoenaed for a criminal or civil case while on active military duty, it will be the responsibility of the employee, his/her military commanding officer, and the court system to determine the employee's availability.

Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1042.2 POLICY

The Santa Barbara County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1042.3 RESPONSIBILITIES

Every injured member must be provided with a copy of the "Employees' Claim for Workers' Compensation Benefits Form" (DWC-1) within 24 hours of a report of workplace injury or illness, regardless of the nature of injury or illness. All occupational diseases and work-related injuries requiring medical care must be reported to Risk Management via the Department's Human Resources Bureau, within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

The member will complete and provide to their supervisor the following forms: a memo describing how the injury occurred, the "Employee's Report of Incident Only" if the member does not intend to seek medical treatment; the signed "Authorization for Release of Medical Information" if the member does plan to seek medical treatment or subsequently seeks medical treatment; if the member elects to file a claim for workers' compensation, the member will complete and sign the "Employee section of the DWC-1 form.

Any member observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any member sustaining any occupational disease or a work-related injury that requires relief from duty may be required to be examined/treated by a doctor.

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Occupational Disease and Work-Related Injury Reporting

Any member sustaining any occupational disease or a work-related injury that requires relief from duty is also required to comply with Department 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 member being treated for any occupational disease or 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 member whose injuries prevent resumption of regular duties.

An injured member who has suffered any occupational disease or a work-related injury shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such member is required to promptly submit all medical releases, whether partial or full, to his/her supervisor.

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury shall offer the member the DWC-1 form within 24 hours of the report of injury, ensure the member receives medical care as appropriate, and promptly prepare the appropriate forms as outlined in this policy. A supervisor learning of any occupational disease or work-related injury shall notify the Human Resources Bureau of the injury immediately. The supervisor must contact the Human Resources Bureau in person, by phone, or by email. After business hours a fax can be sent to 805-681-4974. Updated copies of forms with instructions for completion provided by Risk Management are kept at each station and in the Human Resources Bureau.

When an accident or injury is reported initially on the "Employee's Report of Incident Only" form and the member subsequently obtains medical care, the member may decide to file a claim for workers' compensation on the DWC-1 form, in which case, the member will complete and sign the "Employee" section of the form and the supervisor will complete and sign the "Employer" section of the form.

All original forms shall be submitted to the Human Resources Bureau by the supervisor without delay. The essential Workers' Compensation injury documents are: the member's memo; the supervisor's memo; the supervisor's 48-hour follow up memo as applicable; the "Employee's Report of Incident Only" as applicable; the Worker's Compensation Claim Form" (DWC-1) if the member elects to file a workers' compensation claim; the Supervisor's Report On Employee's Workers' Compensation Claim" (RM-39), and "Authorization For Release Of Medical Information" as applicable. A copy of all forms and any reports shall be submitted to the supervisor's Division Commander through the chain of command.

In the event that an member has a serious illness or injury or requires hospitalization, the member's Division Commanders shall be immediately notified.

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1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The Division Commander shall then forward the report to the Sheriff, the County's risk management entity, and the Operations Support Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1042.4 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries not requiring medical attention shall be recorded on an "Employee's Report of Incident Only." This form shall be completed by the member. A memo describing how the injury occurred also shall be completed.

The report of "Employee's Report of Incident Only" form shall be signed by the affected member indicating that he/she desired no medical attention at the time of the report. By signing this form, the member will not preclude his/her ability to seek medical attention later. The member's supervisor shall check with the member within 48 hours to determine if the member has sought or will be seeking medical attention. The supervisor will submit a follow-up memo to the Human Resources Bureau stating whether or not any medical treatment was required.

1042.5 MEMBER MEDICAL FILES

Any copies of the report and any related documents retained by the Department shall be filed in the member's confidential medical file and not in the member's personnel file (see Policy Manual § 1026).

1042.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1042.7 Retaliation Prohibited for Reporting Workplace Injuries, Illness, or Hazards

A member of this organization shall not be retaliated against for reporting workplace injuries, illnesses, or hazards in accordance with Policy 1008 Anti-Retaliation.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

The purpose of this section is to set forth all existing rules relative to the possession, maintenance, and wearing of the official uniform and/or equipment by members of the Department and to describe specifications thereof.

Part of the mission of the Department is to maintain the highest level of professional competence, with emphasis on both organizational and individual integrity. To accomplish this, grooming standards are established to represent professionalism and pride in appearance and spirit. In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

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.

Sworn Male Employees: All on-duty male employees shall keep their hair neat, clean, and properly trimmed. The hair shall be moderately tapered, shall not extend below the top of the collar, and shall not cover any portion of the ear. Color shall be limited to naturally occurring shades. The hairstyle shall neither interfere with the proper wearing of uniform headgear nor interfere with vision in any way.

Sworn Female Employees: All on-duty female employees shall arrange their hair in a conservative and neat manner. Color shall be limited to naturally occurring shades. Ornamentation and fasteners (pins, clips, bands, etc.) shall be demure in color, style, and size. Female employees whose hair falls below the shoulder line shall secure their hair up, off the collar. Ponytails are not allowed except when worn up above the collar. The hairstyle shall neither interfere with the proper wearing of the uniform headgear nor shall it interfere with vision in any way.

Civilian Personnel: Contemporary hair and grooming standards are allowable as long as a neat appearance is maintained and the styles do not constitute a safety hazard or adversely affect the public image of the Department. The affected Division Commander may set grooming standards appropriate to the position. Civilian clothing worn by an employee while on-duty shall be appropriate to his/her assignment. Such appropriateness shall be determined by the supervisor of each individual.

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1044.2.2 MUSTACHES

Uniformed personnel shall wear only mustaches that are short and neatly trimmed of a natural color. Mustaches shall not extend below the top portion of the upper lip or the corners of the mouth and may not extend to the side more than an inch beyond the corners of the mouth.

1044.2.3 SIDEBURNS

Uniformed personnel shall not wear sideburns that extend beyond a point even with the bottom of the ear lobe. Sideburns shall extend in a clean, horizontal line. The flare (terminal portion of the sideburn) shall not exceed the width of the main portion of the sideburn by more than of the unflared width. Sideburns shall be trimmed and neat in appearance.

1044.2.4 BEARDS AND FACIAL HAIR

Uniformed personnel shall be clean shaven when reporting for duty. Beards may be permitted for medical reasons only or when required by the nature of assignment.

1044.2.5 FINGERNAILS

Uniformed personnel, male or female, shall not wear fingernails that extend more than 1/4 inch from the tip of the finger. Fingernails shall not be so long that they interfere with the performance of primary law enforcement tasks, present a safety or equipment hazard, or interfere with the safe drawing of the service weapon. Uniformed personnel wearing fingernail polish shall use conservative shades, without decals or ornamentation, and shall not detract from the uniform appearance.

1044.2.6 WIGS AND HAIRPIECES

Wigs and hairpieces shall conform to the grooming standards for natural hair.

1044.3 JEWELRY AND ACCESSORIES

In addition to the badge, insignia, nameplate, tie bar, County service pin, and firearms qualification medal, the following items of jewelry are authorized to be worn with the uniform:

1044.3.1 WATCHES

One (1) wristwatch may be worn. The band shall be no wider than the widest point of the watch face.

1044.3.2 RINGS

No more than two (2) rings may be worn. Rings and watchbands shall be designed in such a way that they do not pose a danger to persons being arrested or restrained by the wearer.

1044.3.3 NECKLACES

A religious medallion may be worn on a thin, metal chain and must be concealed from view.

1044.3.4 EARRINGS

Only female uniformed personnel with pierced ears may wear post-type (stud) earrings. The earrings shall be silver or gold in color without decoration. Only one (1) earring may be worn, at

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any one time, in each ear. White or clear stones are optional without decoration. Earrings will be spherical in shape and worn in the lower section on the ear lobe.

1044.3.5 WRIST BANDS/BRACELETS

Ornamental wristbands and/or bracelets shall not be worn while in uniform.

1044.4 TATTOOS

While on-duty or representing the [Department/Office] in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the [Department/Office] in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1044.5 BODY PIERCING, ALTERATION OR ORNAMENTATION

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.
- (e) Dental ornamentation such as silver, gold or platinum caps or veneers, or those with designs, jewels or initials

1044.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Body Art

1045.1 PURPOSE AND SCOPE

All Department employees and volunteers who frequently have contact with the public, including contact with inmates in the jail, are prohibited from displaying any body art, tattoo(s), brand(s), intentional scarring, or dental ornamentation while on duty or representing the Department in any official capacity.

1. Any current employee or volunteer with existing body art, tattoo(s), brand(s), or intentional scarring that is visible shall have the following options:

a. Employees or volunteers shall cover existing body art, tattoo(s), brand(s), or intentional scarring by wearing an approved uniform shirt, uniform trousers/breeches, or appropriate civilian clothing attire (depending on assignment).

b. Employees or volunteers shall cover the existing body art, tattoo(s), brand(s), or intentional scarring with a skin tone patch or make-up.

c. Employees or volunteers may have tattoo(s), brand(s), or intentional scarring removed or repaired at their expense.

2. Body art, tattoo(s), brand(s), and/or intentional scarring that are not able to be covered or concealed are prohibited. This includes, but is not limited to foreign objects inserted under the skin, pierced, split or forked tongue, and/or stretched out holes in the ears.

3. Department employees or volunteers shall not have any dental ornamentation. The use of gold, platinum, silver, or other veneer caps for the purposes of ornamentation is prohibited. Teeth, whether natural, capped or veneered, shall not be ornamented with designs, jewels or initials.

4. Personnel in undercover assignments may be exempted from the provisions of this section with the expressed written consent of their Division Commander.

Uniform Regulations

1048.1 PURPOSE AND SCOPE

The uniform policy of the Santa Barbara 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

The Uniform Policy Manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1048.2 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 deputies/custody deputies 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.

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- (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.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or his/her designee.
 - 1. Wrist watch
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. (A maximum of one (1) ring/set may be worn on each hand.)
 - 3. Medical alert bracelet

1048.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1048.3 UNIFORM CLASSES

1048.3.1 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. The Class A uniform includes the standard issue uniform with:

- (a) Long-sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

1048.3.2 CLASS B UNIFORM

All deputies 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.

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- (b) A white crew neck tee shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved, all black unpolished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

1048.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1048.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

1048.3.5 FOUL WEATHER GEAR

The Uniform Policy Manual lists the authorized uniform jacket and rain gear.

1048.3.6 RESERVE DEPUTY UNIFORM

The reserve deputy's uniform will be the same as for the regular deputy with the exception of the badge. All uniform policies, regulations, and specifications apply equally to reserve deputies.

1048.4 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, 3/4 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-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of 1 1/2 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 and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. 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.

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- (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) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f) Badge - The Department-issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

1048.5 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 moderate in style.
- (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 moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. Tee shirt alone
 - 2. Open-toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex-type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Sheriff or his/her 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 Department or the morale of the employees.

1048.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Department 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

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employee, or identify himself/herself as an employee of the Department 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

1048.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the Uniform Policy Manual 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 (e.g., 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).

1048.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform Policy Manual or by the Sheriff or his/her designee.

Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform Policy Manual or by the Sheriff or his/her designee.

Personnel Information

1053.1 PURPOSE AND SCOPE

The Department is entitled to have the employee's correct name, residential address, telephone number, and emergency contact information (whom to notify in case of an emergency).

1053.2 POLICY

It shall be the responsibility of every employee to keep his/her supervisor and the Human Resources Bureau advised of any changes to his/her name, residential address, telephone number, and emergency contact information. The Department's Human Resources Bureau and the employee's supervisor shall be notified within 72 hours of any change to this information.

1053.3 PROCEDURE

The employee whose personnel information has changed shall notify his/her supervisor and the Human Resources Bureau, preferably in writing via email or memorandum.

The Human Resources Bureau shall, upon receipt of notification of change of address, telephone numbers, or emergency contact information, change the appropriate Department files and, as soon as possible, enter the new information into the Human Resources Bureau computer data base.

Employee Speech, Expression and Social Networking

1064.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1064.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1064.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Santa Barbara County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1064.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Santa Barbara County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1064.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the office's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Santa Barbara County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Santa Barbara County Sheriff's Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Santa Barbara County Sheriff's Office or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Santa Barbara County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Santa Barbara County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1064.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Santa Barbara County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Santa Barbara County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Santa Barbara County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1064.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department

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e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department

shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the [Department/Office] may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980) (see the Information Technology Use Policy for additional guidance).

1064.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

Nepotism and Conflicting Relationships

1065.1 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 agency. 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.

1065.1.1 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 Agency employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an agency employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Cohabitation - A state of living together in a shared dwelling, when the cohabitants are in an intimate 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.

Temporarily - For the purpose of this policy the term, "temporarily" shall mean, "a work assignment that is not regular or re-occurring, such as overtime shifts, major event staffing, and response to emergency situations, natural disasters, etc."

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1065.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Sheriff's Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, 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.
 - 2. When personnel and circumstances permit, the Agency will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Agency, 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 agency 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.

1065.2.1 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

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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.

1065.2.2 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.

Illness and Injury Prevention

1066.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Santa Barbara County Sheriff's Office, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

1066.2 POLICY

The Santa Barbara County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Office to comply with all laws and regulations related to occupational safety.

1066.3 ILLNESS AND INJURY PREVENTION PLAN

The Human Resources Bureau Manager is responsible for working with the County Safety Officer to developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 - 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1066.4 HUMAN RESOURCES RESPONSIBILITIES

Insofar as it relates to the Injury and Illness Prevention policy, the responsibilities of the Human Resources Bureau manager include, but are not limited to:

- (a) Working directly with the County Safety Officer to address the implementation of county Injury and Illness Prevention policies and programs within the Sheriff's Office.
- (b) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (c) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedure.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (d) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (e) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR § 5144)
 - (b) Bloodborne pathogens (8 CCR § 5193)
 - (c) Aerosol transmissible diseases (8 CCR § 5199)
 - (d) Heat illness (8 CCR § 3395)
 - (e) Emergency Action Plan (8 CCR § 3220)
 - (f) Fire Prevention Plan (8 CCR § 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
 - (h) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

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- (i) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (j) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers. Conducting and documenting a regular review of the illness and injury prevention plan.

1066.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Notifying the Human Resources Bureau Manager when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Workplace conditions warrant an inspection.

1066.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented. The documentation should be forwarded to the Human Resources Bureau Manager via the chain of command.

The Human Resources Bureau Manager will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

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1066.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. Supervisors should identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

1066.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1066.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1066.9 TRAINING

The Human Resources Bureau Manager should work with the Training Lieutenant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.

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- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1066.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Attachments

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.
- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- (b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- ☐ Message from the law enforcement's agency's chief executive is included
 - ☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - ☐ Definition of "hate crime" included from:
 - ☐ CPC 422.55
 - ☐ CPC 422.56
 - ☐ CPC 422.6
 - ☐ Title by title specific protocol regarding:
 - ☐ Prevention
 - ☐ Is contact is established with identified persons and/or communities who are likely targets?
 - ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - ☐ Response
 - ☐ Requirement that all hate crimes be properly investigated and supervised
 - ☐ Requirement that any hate crimes committed under the color of authority are investigated
 - ☐ Accessing Assistance
 - ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - ☐ Victim assistance and follow-up
 - ☐ Reporting
 - ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - ☐ Training
 - ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - ☐ Does the checklist include first responder responsibilities include:
 - ☐ Determining the need for additional resources if necessary?
 - ☐ Referral information for appropriate community and legal services?
 - ☐ The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - ☐ Information regarding bias motivation from CPC 422.87
 - ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- ☐ Definitions of terms used in the policy are listed
- ☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- ☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- ☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

- (b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ (e.g., non-profit, private, public school) Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense (e.g., 9/11, holy days)</p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		<input type="checkbox"/> Known to victim	

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____ Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Inventory Attachment.pdf

Military Equipment

Inventory Attachment

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Military Equipment

The following is a list of military equipment as defined by Government Code §7070 held/maintained by the SBSO

A. MILITARY EQUIPMENT

Several vehicles and some of the equipment items were obtained at no cost to taxpayers by private donations. The cost for these items is listed as “no initial cost”.

1. **Unmanned Aircraft System (UAS)** – An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV), and all supporting or attached systems designed for gathering information through imaging, recording or any other means.

- a. Description, quantity, capabilities, and purchase cost

- i. **DJI Matrice 210V2, cost: no initial cost, quantity: 2.** Drone assigned to Search and Rescue (SAR). Drone is equipped with an infrared camera and has a flight time of 25 minutes. Donated by a local business.

- ii. **Brinc Lemur Drone S, cost: no initial cost, quantity: 0.** Designed to enter dangerous situations to keep people safe, the BRINC LEMUR S is an American-made purpose-built tactical drone designed to aid special response teams in barricade, hostage, active shooter, and other high-risk situations. Drone is equipped with a day/night vision IR camera and uses lithium-ion batteries which provide a 31-minute flight time. Grant request pending.

- b. Purpose

- i. DJI Matrice - To be deployed when its view would assist SAR or incident commanders with the following situations, including but not limited to:

1. Search for missing persons
 2. Major collision investigations
 3. Natural disaster management
 4. Crime scene photography
 5. Tactical or other public safety and life preservation missions
 6. In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention

- ii. Brinc Lemur Drone S – Drone is specific for interior use. Drone would be deployed on critical incidents where an interior view of a structure would provide valuable information to law enforcement personnel while limiting their exposure to hazards. Situations for deployment would include, but are not limited to:

1. Barricaded suspects
 2. Hostage rescue
 3. High-risk warrant service
 4. Suicidal subjects

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5. Natural disasters

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate drones during approved missions.

d. Expected Life Span

All UAS equipment, approximately 5 years.

e. Fiscal Impact

i. DJI Matrice – \$800 battery replacement every 2 years.

ii. Brinc Lemur Drone S – \$1,500 battery replacement every 2 years.

f. Training

i. DJI Matrice – All UAS operators are licensed by the Federal Aviation Administration (FAA) for UAS operation. Members complete the Kings Schools online course and test for certification. Additional in-house SAR training is conducted to maintain equipment familiarity.

ii. Brinc Lemur Drone S – All members complete a Brinc 3-day training course and the Kings Schools online course. Kings School includes test for certification.

g. Legal and Procedural Rules

Use is established under Lexipol §603 and FAA Regulation 14 CFR Part 107.

h. Grant Proposal

The Brinc Lemur Drone S is being considered via grant through a local non-profit. If this drone is obtained, it will be the responsibility of SBSO to maintain training of personnel for its operation. SBSO will handle all maintenance of this equipment once acquired.

2. Bomb Robots – Unmanned machine operating on the ground utilized to enhance the safety of the community and law enforcement personnel, assigned to the SBSO Bomb Squad.

a. Description, quantity, capabilities, and purchase cost

i. **REMOTEC robot, \$186,500, quantity: 2.** Purchased with federal grants, these robots are operated by the bomb squad during life-threatening critical incidents. Allows for the remote observation, manipulation of items, and render safe procedures involving actual or suspected hazardous devices. Includes wireless system upgrades that were installed after acquisition of the robots.

ii. **PAC BOT series 1, no initial cost, quantity: 1.** Robot operates as a surveillance platform utilized by the bomb squad. Obtained at no cost through the military 1033 program.

iii. **MARCBot IV, no initial cost, quantity: 1.** Robot operates as a surveillance platform utilized by the bomb squad. Obtained at no cost through the military 1033 program.

b. Purpose

Unmanned machine operating on the ground utilized to enhance the safety of the public and law enforcement during hazardous device

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mitigation and other life-threatening critical incidents. Robots obtain visual and audio data, deliver phones, manipulate doors/windows, disrupt packages, and clear buildings of hazards without exposing law enforcement personnel to a potentially hazardous situation.

c. Authorized Use

Only members of the SBSO bomb squad are authorized to operate bomb robots. Operation of this equipment is limited to trainings and critical incidents where the use of a robot would enhance the safety of the community and law enforcement personnel.

d. Expected Life Span

10-20 years, depending on model.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$2,500.

f. Training

All robot operators must be members of the SBSO Bomb Squad. All members attend the FBI hazardous device school where additional training on robots is received, in addition to bi-monthly team training.

g. Legal and Procedural Rules

SBSO Bomb Squad robots are used for legitimate law enforcement purposes where a significant threat to life exists, bomb squad training, and public demonstrations. These robots are utilized in a manner that respects the privacy of our community pursuant to local, state, and federal law.

3. Tactical Robots - Unmanned machine operating on the ground utilized to enhance the safety of the community and law enforcement personnel, assigned to the SBSO Special Enforcement Team (SET).

a. Description, quantity, capabilities, and purchase cost

i. **Transcend Tactical Vantage Patrol Robot, cost: no initial cost,**

quantity: 1. The Transcend Tactical Vantage Patrol Robot is a patented automatic stair climbing robot for First Responders. The Vantage Patrol Robot can be used without prior training to enter a house or building to see, hear, and learn what is happening before sending law enforcement inside. The robot uses two camera systems with a drive camera and a pan-tilt-zoom camera. The cameras are equipped with night vision and FLIR thermal vision. The robot is equipped with a two-way audio, push to talk system. Once deployed, the robot can be directed to move through a structure and transmit real-time video and audio to the handheld controller. These features can locate and identify subjects, hazardous devices, confirm the presence of hostages, and reveal the room layout. This robot was purchased using privately donated funds.

ii. **Recon Scout Throwbot XT Robot, cost: no initial cost,**

quantity: 2. The Recon Scout Throwbot is a small throwable robot platform that enables operators to obtain live video and audio reconnaissance within indoor or outdoor environments. In

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can be thrown into hazardous situations allowing operators to quickly make informed decisions when seconds count. Once deployed, the robot can be directed to move through a structure and transmit real-time video and audio to the handheld controller. These features can locate and identify subjects, hazardous devices, confirm the presence of hostages, and reveal the room layout. These robots were purchased using privately donated funds.

b. Purpose

Tactical robots are utilized to enhance the safety of the public and law enforcement during critical incidents. Robots can obtain visual and audio data, remotely communicate with persons, and clear buildings of hazards.

c. Authorized Use

All robot technology listed are assigned to the Special Enforcement Team (SET). Robots can be deployed for various needs that arise for the team, such as high-risk criminal apprehension, barricaded subjects, and hostage rescue operations. The deployment of robots should be at the discretion of the incident and/or tactical commander.

d. Expected Life Span

10 years per robot.

e. Fiscal Impact

Approximately \$500 in annual maintenance costs per robot.

f. Training

Designated SET instructors train all team members numerous times throughout the year, including night and day use, familiarization for new operators, driving robots out of view, and overall operation of the robot and associated equipment.

g. Legal and Procedural Rules

Use of tactical robots is limited to a legitimate law enforcement purpose with approval from the incident and/or tactical commander.

4. Armored Vehicles – Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes. All vehicles are assigned to the Special Enforcement Team (SET).

a. Description, quantity, capabilities, and purchase cost

- i. **Mine-Resistant Ambush Protected (MRAP) NSN 2355015901660, no initial cost, quantity: 1.** The MRAP was obtained at no cost through the Defense Reutilization and Marketing Office (DRMO). The MRAP is an armored vehicle that seats approximately 10 personnel and can provide ballistic protection for community members and law enforcement during tactical and rescue operations. The MRAP can withstand multiple bullet strikes from small and large caliber firearms. The MRAP has advanced off road and high-water capabilities which is essential in certain disaster responses and evacuations, such as the Montecito debris flow.

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- ii. **Lenco Bearcat G3 (unit 6073), no initial cost, quantity: 1.** Armored rescue vehicle (ARV) used for tactical and rescue operations where ballistic protection and high clearance four-wheel drive are required. This includes barricaded suspects, high-risk warrant service, hostage rescue, and natural disaster response. Both Bearcats are able to withstand multiple bullet strikes from small and large caliber firearms. These vehicles were used extensively during the Montecito debris flow. The four-wheel drive capability facilitated access to victims who were trapped inside their homes following the mudslide. Several community members were rescued and transported in the Bearcats from the disaster zone. This vehicle was purchased using privately donated funds.
- iii. **Lenco Bearcat G3 (unit 6072) with a camera, gas deployment apparatus, and water monitor package, no initial cost, quantity: 1.** Same as above, but equipped with a camera, gas deployment system, and water monitor. The camera attaches to a boom mounted on the front of this Bearcat. This allows operators to gain a view of the interior of a structure or vehicle from the safety of the ARV. Camera is used for information gathering and clearing of hazards prior to the insertion of SET members. The gas deployment apparatus is a boom-mounted chemical agent delivery system. Similar to the camera, the gas delivery system allows the insertion of chemical agents into a structure or vehicle from the protection of the ARV. This vehicle was purchased using privately donated funds.

b. Purpose

To be used in response to critical incidents to enhance community safety, scene containment/stabilization, and natural disaster response.

c. Authorized Use

The use of armored vehicles is at the discretion of the tactical commander and geographical patrol commander, based on the circumstances and threat level of a critical incident. Armored vehicles should only be used by personnel trained in their deployment and in a manner consistent with SBSO policy and training.

d. Expected Life Span

Approximately 25 years

e. Fiscal Impact

- i. MRAP (unit 5801) – Annual maintenance cost = \$1,410
- ii. Lenco Bearcat G3 (unit 6072) – Annual maintenance cost = \$525
- iii. Lenco Bearcat G3 (unit 6073) – Annual maintenance cost = \$900

f. Training

- i. All operators must attend a 2-week tactical school which includes instruction in the operation of armored vehicles. Continued training and familiarization occur during bi-monthly team trainings.
- ii. MRAP operators shall complete a California Department of Motor Vehicles (DMV) commercial vehicle training and testing. Operators shall possess a class B license to operate the MRAP.

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- g. Legal and Procedural Rules
Use is established by SBSO Lexipol policy §706 (Vehicle Operations).

5. Emergency Command Post Trailer – A mobile command post trailer utilized to manage large-scale and/or prolonged critical incidents.

- a. Description, quantity, capabilities, and purchase cost
TPD Model SGN8538T 38' Emergency Command Post trailer, cost: no initial cost, quantity: 1. The need for a large mobile command post was identified following the Montecito debris flow. This trailer has several workstations to allow numerous personnel to manage and staff a large-scale and prolonged critical incident, such as a natural disaster. Trailer was obtained with privately donated funds.
- b. Purpose
Usage of this mobile command post is based on the specific circumstances of a critical incident, large event, or natural disaster.
- c. Authorized Use
Use of the Emergency Command Post trailer is authorized by the geographical commander or their designee.
- d. Expected Life Span
Approximately 25 years
- e. Fiscal Impact
Approximately \$1,000 annually (generator fuel use)
- f. Training
No special license is required. Trailer shall only be towed by personnel who have received training in its operation.
- g. Legal and Procedural Rules
Use is established by SBSO Lexipol policy §706 (Vehicle Operations).

6. Command Vehicle – A mobile command post vehicle utilized to manage large-scale and/or prolonged critical incidents.

- a. Description, quantity, capabilities, and purchase cost
2012 International 4300 Braun truck, no initial cost, quantity: 1. The command vehicle is a mobile command post used for the management of critical incidents. The command vehicle provides storage for life-saving equipment used during specialized law enforcement operations. This vehicle is assigned to the Special Enforcement Team and was purchased using privately donated funds.
- b. Purpose
Usage of this mobile command post is based on the specific circumstances of a critical incident, large event, or natural disaster.
- c. Authorized Use
Vehicle shall only be operated by personnel who have completed the California Class B Commercial driver school and with proper licensing.
- d. Expected Life Span
Approximately 25 years.
- e. Fiscal Impact
Annual maintenance cost = \$1,946
- f. Training

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California Department of Motor Vehicles (DMV) commercial vehicle training and testing. Operators shall possess a class B license.

g. Legal and Procedural Rules

- i. The command truck is only authorized for a specific law enforcement purpose requiring the management of a large-scale or prolonged critical incident.
- ii. Use is established by SBSO Lexipol policy §706 (Vehicle Operations).
- iii. California Department of Motor Vehicles (DMV) commercial vehicle training and a class B license are required to operate the command vehicle.

7. **.50 Caliber Rifles** – Long range precision rifles

a. Description, quantity, capabilities, and purchase cost

- i. **Barrett Firearms Model 82A1M semi-auto .50 caliber rifle, no initial cost, quantity: 3.** Rifles have the capability of immobilizing vehicles, penetrating barriers, and disrupting explosives at great distances. Rifles were donated from the Department of Energy (DOE).
- ii. **.50 caliber ammunition manufactured by Hornady and Barrett, cost: \$5 per round, quantity: 300 rounds.** Ammunition for .50 caliber rifles.

b. Purpose

Shall only be used during a life-threatening critical incident requiring a high-powered, long-range rifle round with significant penetrating abilities.

c. Authorized Use

Each rifle is assigned to SET. Deployment of this equipment would require a special circumstance and approval from the incident and/or tactical commander.

d. Expected Life Span

Indefinite with routine maintenance.

e. Fiscal Impact

No annual maintenance costs.

f. Training

Use of the .50 caliber rifles is limited to members of SET who have been trained and qualified as snipers. Monthly sniper training is conducted to maintain skillset and equipment familiarity.

g. Legal and Procedural Rules

Procedural rules for the use of .50 caliber rifles is outlined in Sheriff's Lexipol policy sections 300 (Use of Force) and 312 (Firearms).

8. **Crisis Negotiation Team (CNT) vehicle** – A vehicle used as a tactical operations communication center for members of the Crisis Negotiation Team.

a. Description, quantity, capabilities, and purchase cost

2019 Ford Transit 350HD Powerstroke Diesel, no initial cost, quantity: 1. Vehicle provides a secure working environment for crisis negotiators during critical incidents. Equipped with a propane generator

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to power lighting and communication equipment. This vehicle was purchased using privately donated funds.

b. Purpose

Provides shelter and specialized equipment for law enforcement personnel communicating with people in crisis during critical and life-threatening incidents.

c. Authorized Use

The CNT vehicle is used by law enforcement personnel who have been properly trained in the safe handling of the vehicle. All drivers shall have a valid California driver's license.

d. Expected Life Span

Approximately 25 years.

e. Fiscal Impact

i. Total maintenance costs since 2019 = \$605

ii. Annual propane cost = \$70

f. Training

CNT members are provided with instruction and vehicle familiarity during team trainings.

g. Legal and Procedural Rules

Use is established by SBSO Lexipol policy §706 (Vehicle Operations).

9. **Explosive Breaching** – Energetic materials used to conduct an explosive breach.

a. Description, quantity, capabilities, and purchase cost

i. **25 grain detonation cord (984 foot roll), cost \$334, quantity: 1 roll.** 25 grain detonation cord is a thin, flexible tube filled with pentaerythritol tetranitrate (PETN). PETN has an exploding rate of approximately 6400 m/s which explodes almost instantaneously. Detonation cord can be shaped to accommodate a variety of target-specific charges.

ii. **50 grain detonation cord (2,000 foot roll), cost: \$1,260, quantity 1 roll.** 50 grain detonation cord is a thin, flexible tube filled with pentaerythritol tetranitrate (PETN). PETN has an exploding rate of approximately 6400 m/s which explodes almost instantaneously. Detonation cord can be shaped to accommodate a variety of target-specific charges. 50 grain detonation cord is twice as energetic as 25 grain cord.

iii. **100 grain detonation cord (984 foot roll), cost: \$738, quantity: 1 roll.** 100 grain detonation cord is a thin, flexible tube filled with pentaerythritol tetranitrate (PETN). PETN has an exploding rate of approximately 6400 m/s which explodes almost instantaneously. Detonation cord can be shaped to accommodate a variety of target-specific charges. 100 grain detonation cord is twice as energetic as 50 grain cord.

iv. **Nonelectric detonators with 40' shock tube, cost \$11.95 each, quantity: 100.** Zero delay detonators with 40' length of shock tube attached. A detonator (or blasting cap) is a small sensitive

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primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive.

- v. **20 gram boosters, cost \$6.83 each, quantity: 20.** The slip on booster is a flexible PETN-based composition shaped into a cylinder. It is manufactured in 20-gram units and is used primarily for increasing output strength of a detonator, detonating cord, or a booster assembly.

- vi. **C2 sheet explosive (20lb roll), cost: \$1,091, quantity: 1 roll.** A flexible PETN-based sheet explosive. Sheet explosive can be cut into shapes to accommodate various breaching charges.

- b. Purpose

Explosive breaching is used to gain rapid access to a room or structure when an emergent law enforcement need exists. This includes hostage rescue or other situations where precise and immediate access through a fortified door or wall is needed to prevent injury and loss of life. Energetic materials (explosives) are used to make breaching charges of various shapes and strength which are specifically designed for the target. The materials release gasses, heat, and light when initiated. Breaching charges are specifically designed to cause structural failure of the desired target. All charges are built by SET members and can include non-energetic materials such as water, rubber, and gel.

- c. Authorized Use

Use is limited to training and critical incidents where the precise use of a minimal amount of explosives is required to gain entry during a critical incident. The use of explosives on a critical incident shall be authorized by the incident and/or tactical commander.

- d. Expected Life Span

- i. Detonation cord – 15 years
- ii. Nonelectric detonators – 5 years
- iii. Boosters – 15 years
- iv. Sheet explosive – 15 years

- e. Fiscal Impact

Annual maintenance is approximately \$500 which includes the cost of replenishing expendable materials.

- f. Training

Explosive breaching tools are only handled by members who have attended an 80-hour explosive breaching training course and participate in ongoing quarterly training. Only members who have successfully completed the 80-hour explosive breaching course and passed the CalOSHA test receive a blaster's license. The blaster's license is restricted to classification (E) Limited: Tactical Breaching for Law Enforcement Only, Non-Electric Initiation.

- g. Legal and Procedural Rules

Legal and procedure rules which govern the use of explosive breaching include the Occupational Safety & Health Administration (OSHA) regulations, ATF guidelines, SET operations manual, and Santa Barbara Sheriff Lexipol §300 (Use of Force). Additionally, a member who is

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currently licensed as a CalOSHA certified blaster must be present during training and operational deployment.

10. Long Range Acoustic Device (LRAD) – The LRAD is a high intensity directional acoustic array for long range, clear hailing, notification, and warning tone. The LRAD is primarily used as a communication device.

i. Description, quantity, capabilities, and purchase cost

LRAD Model 500 manufactured by Genasys, no initial cost, quantity: 1. A long, medium, and near-range acoustic hailing device to warn and communicate to crowds, individuals, and potential vehicle/vessel threats over distances up to 3,000 meters. This LRAD was purchased with privately donated funds.

ii. **LRAD Model 300 manufactured by Genasys, no initial cost, quantity: 1.** A compact, lightweight LRAD designed for applications ranging from fixed security installations to mid-sized vehicles and vessels, the Model 300 can be transported to provide law enforcement personnel with long-range communication and safe, scalable non-kinetic escalation of force. This LRAD was purchased with privately donated funds.

b. Purpose

LRADs are used to issue dispersal orders during crowd control and riot situations, or to address the public in the event of civil emergencies, natural disasters, evacuations, and other critical incidents (i.e. missing persons, perimeters for wanted suspects, K9 deployments, and warrant service announcements). The LRAD may also be used as a warning tone.

c. Authorized Use

LRADs shall only be utilized by personnel trained in its operation/deployment and used in a manner consistent with department policy.

d. Expected Life Span

25 years.

e. Fiscal Impact

No annual maintenance costs.

f. Training

All operators receive training prior to deployment in the field.

g. Legal and Procedural Rules

Use of the LRAD requires approval through SBSO chain of command and compliance with Lexipol policy §300 (Use of Force).

11. Water Monitor – A roof-mounted water delivery system utilized for firefighting from a Bearcat.

a. Description, quantity, capabilities, and purchase cost

125-300 GPM Lenco water monitor, no initial cost, quantity: 1. Roof-mounted Bearcat water monitor capable of fire suppression during a critical incident. Water monitor does not work independently of the Bearcat. Water monitor was included with add-on package included with

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one of the Lenco G3 Bearcats (unit 6072). Add-on package included the camera, gas deployment apparatus, and water monitor.

b. Purpose

The water monitor is used for tactical firefighting where forward deployment of fire resources is not an option due to safety, such as an armed barricaded suspect using fire as weapon.

c. Authorized Use

With approval from the incident commander, the water monitor is authorized for tactical firefighting, or when the use of fire as a weapon is suspected (i.e. barricaded suspect threatening to set fire to home).

d. Expected Life Span

25 years.

e. Fiscal Impact

No annual maintenance costs

f. Training

All operators must receive training on the use of the water monitor prior to deployment in the field. Training involves members of the Santa Barbara County Fire Department who provide subject matter expertise in the maintenance and usage of fire suppression equipment.

g. Legal and Procedural Rules

Use of the water monitor requires approval through the incident and/or tactical commander.

12.40mm Launchers and Munitions – 40mm launchers are utilized by sworn personnel as a less lethal tool to launch impact rounds.

a. Description, quantity, capabilities, and purchase cost

- i. **Defense Technology LMT single shot 40mm launcher, cost \$900, quantity: 23.** Single launcher capable of firing a less lethal 40mm projectile.
- ii. **Defense Technology four shot 40mm launcher, cost \$1950, quantity: 4.** Four shot launcher capable of firing 40mm less lethal projectiles.
- iii. **Penn Arms L640-1 six shot 40mm spring wound launcher, cost \$3,146, quantity: 2.** Six shot launcher capable of firing 40mm less lethal projectiles.
- iv. **Defense Technology Exact Impact 40mm Standard Range Blue Nose Sponge round, cost: \$20, quantity: 430.** 40mm sponge round is a lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher's barrel. The round uses smokeless powder as the propellant and has velocities that are extremely consistent. Used to stop violent criminal behavior.
- v. **Defense Technology Exact Impact 40mm Extended Range Blue Nose Sponge round, cost: \$20, quantity: 111.** 40mm sponge round is a lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher's barrel. The

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round uses smokeless powder as the propellant and has velocities that are extremely consistent. Used to stop violent criminal behavior.

- vi. **Defense Technology Direct Impact 40mm Standard Range Marking Crushable Foam round, cost: \$20, quantity: 130.** 40mm direct impact munition used to incapacitate a single subject or control violent criminal behavior. When loaded with a green marking agent, the projectile can be used to indicate the aggressor involved in violent criminal behavior or a riot situation, to the team on the ground.
- vii. **Defense Technology Exact Impact 40mm Extended Range Marking Crushable Foam round, cost: \$20, quantity: 100.** 40mm direct impact munition used to incapacitate a single subject or control violent criminal behavior. When loaded with a green marking agent, the projectile can be used to indicate the aggressor to the team on the ground.
- viii. **Defense Technology Direct Impact 40mm Standard Range OC Crushable Foam round, cost: \$20, quantity: 184.** 40mm crushable foam projectile containing oleoresin capsicum (OC) powder. Munition can be used to incapacitate a single subject or control violent criminal behavior. Uses pain compliance with the effects of an irritant powder.
- ix. **Defense Technology Direct Impact 40mm Extended Range OC Crushable Foam round, cost: \$20, quantity: 112.** 40mm crushable foam projectile containing oleoresin capsicum (OC) powder. Munition can be used to incapacitate a single subject or control violent criminal behavior. Uses pain compliance with the effects of an irritant powder.
- x. **Defense Technology, 40mm Muzzle Blast OC, cost: \$20, quantity: 25.** Oleoresin capsicum (OC) device used to control violent criminal behavior for the immediate and close deployment of chemical agent. It can also be employed in tactical operations such as barricaded subjects for area denial, area contamination, and a means of contaminating crawl spaces and attics.
- xi. **Defense Technology 40mm Warning/Signaling munition, 50 meter, cost: \$38, quantity: 24.** Intended for use in situations where stand-off distance is desired, giving the operator the ability to engage violent criminal behavior, vehicles, or vessels. Launched from a 40mm platform, the munitions deflagrate at a set distance of 50 meters and deliver 170dB of sound.
- xii. **Defense Technology 40mm Warning/Signaling munition, 100 meter, cost: \$38, quantity: 24.** Intended for use in situations where stand-off distance is desired, giving the operator the ability to engage violent criminal behavior, vehicles, or vessels.
- xiii. **Defense Technology 40mm Ferret Rounds, cost: \$16, quantity: 40.** The Ferret® 40mm 2-chlorobenzylidene malononitrile (CS) round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone

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ruptures and instantaneously delivers the .16 oz. agent payload inside a structure.

- xiv. **Defense Technology 40mm 32-caliber rubber balls, cost: \$22, quantity: 34.** Used to stop violent criminal behavior, the round contains approximately 130 32-caliber rubber balls utilizing smokeless powder as a propellant.

- b. Purpose

To limit the escalation of conflict where lethal force is prohibited or undesirable. Situations for use of less lethal systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riots and incidences of violent criminal behavior.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Vicious animals.

- c. Authorized Use

Only sworn personnel who have received POST certification in the use of chemical agents are authorized to use chemical agents.

- d. Expected Life Span

- i. Launchers – 25 years.
- ii. Munitions – 5 years from date of manufacture.

- e. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

- f. Training

Sworn members utilizing 40mm less lethal chemical agents or impact rounds are trained by POST-certified less lethal and chemical agents instructors.

- g. Legal and Procedural Rules

Use is established by SBSO Lexipol policy §300 (Use of Force) and §308.5 (Kinetic Energy Projectiles).

13. Chemical Agents – Canisters containing chemical agents that are released when deployed. 2-chlorobenzylidene malononitrile (CS), commonly referred to as tear gas, causes temporary irritation of the eyes and the mucosal surface of the respiratory tract. Oleoresin capsicum (OC), commonly referred to as pepper spray, causes irritative symptoms to the skin, eyes, and respiratory system.

- a. Description, quantity, capabilities, and purchase cost

- i. **Defense Technology Stinger Rubber Ball OC Grenade, cost: \$40, quantity: 66.** The Stinger OC grenade is a maximum effect device that delivers four stimuli for psychological and physiological effects: rubber pellets, light, sound, and OC. Used to stop violent criminal behavior.
- ii. **Defense Technology Spede-Heat CS Grenade, cost: \$28, quantity: 37.** The Spede-Heat™ CS Grenade is a high volume, continuous burn canister that expels its payload in approximately 20-40 seconds.
- iii. **Defense Technology Spede-Heat OC Grenade, cost: \$39, quantity: 30.** The Spede-Heat OC is a high volume, continuous burn grenade that expels its payload in 20-40 seconds.

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- iv. **Defense Technology Triple Chaser, cost: \$32, quantity: 30.** The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system.
- v. **Defense Technology Han-Ball, cost: \$31, quantity: 22.** The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds.
- vi. **Combined Tactical Solutions, Baffled CS Grenade, cost: \$33, quantity: 33.** Pyrotechnic CS grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.
- vii. **Defense Technology Aerosol OC Fogger, cost: \$16, quantity: 75.** The 6 oz. OC Aerosol Grenade will deliver its payload of 1.3% OC in 20-25 seconds. This is an atomized mist which enhances the pungent 1.3% OC formulation. Used for area denial areas like attics and garages.
- viii. **Defense Technology Stinger 32 Caliber Rubber Balls with CS, cost: \$44, quantity: 30.** A device that delivers four stimuli for psychological and physiological effects: rubber pellets, light, sound, and CS. Used to stop violent criminal behavior.
- ix. **Defense Technology Stinger 32 Caliber Rubber Balls with OC, cost: \$45, quantity: 66.** A device that delivers four stimuli for psychological and physiological effects: rubber pellets, light, sound, and OC. Used to stop violent criminal behavior.
- x. **Defense Technology OC Vapor Aerosol Grenade, cost: \$43, quantity: 55.** Delivers a high concentration of OC in a powerful mist. The grenade is designed for indoor use in confined areas.
- xi. **Defense Technology Riot Control Continuous Discharge OC Grenade, cost: \$37, quantity: 30.** Designed for outdoor use in violent criminal behavior situations with a high volume of continuous burn.
- xii. **Defense Technology Riot Control Continuous Discharge CS Grenade, cost: \$32, quantity: 6.** Designed for outdoor use in violent criminal behavior situations with a high volume of continuous burn.

b. Purpose

To limit the escalation of conflict where lethal force is prohibited or undesirable. Situations for use of less lethal systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riots and incidences of violent criminal behavior.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Vicious animals.

c. Authorized Use

Only sworn personnel who have received POST certification in the use of chemical agents are authorized to use chemical agents.

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- d. Training
Sworn members utilizing chemical agents are certified by POST less lethal and chemical agent instructors.
- e. Expected Life Span
5 years from date of manufacture.
- f. Fiscal Impact
No annual maintenance.
- g. Legal and Procedural Rules
Use is established by SBSO Lexipol policy §300 (Use of Force) and §308 (Control Devices and Techniques).

14. PepperBall – A device that discharges irritant projectiles.

- a. Description, quantity, capabilities, and purchase cost
 - i. **PepperBall SA200 Launcher, cost: \$500, quantity: 17.** Hopper fed multiple shot capable, 0.68 X .72 caliber semi-automatic launcher.
 - ii. **PepperBall FTC Basic Launcher, cost: \$500, quantity: 4.** Hopper fed multiple shot capable, 0.68 X .72 caliber semi-automatic launcher.
 - iii. **PepperBall Carbine Sx Launcher, cost: \$500, quantity: 4.** Hopper fed multiple shot capable, 0.68 X .72 caliber semi-automatic launcher.
 - iv. **PepperBall Munitions, Live Rounds, cost: \$1.90 per round, quantity: 2,475.** Live projectiles contain 2% pelargonic acid vanillylamide (PAVA) powder.
 - v. **PepperBall Munitions, Inert Rounds, cost: \$0.73 per round, quantity: 4,775.** Inert projectiles contain a harmless, scented powder utilized for training, qualifications, and direct impact when chemical exposure is not desired.
- b. Purpose
To limit the escalation of conflict where lethal force is prohibited or undesirable. Situations for use of less lethal systems may include, but not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riots and incidences of violent criminal behavior.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Vicious animals.
- c. Authorized Use
Only sworn personnel who have been trained in the use of PepperBall launchers are authorized to use these less lethal weapon systems.
- d. Expected Life Span
 - i. PepperBall launchers – 10 years
 - ii. PepperBall munitions – 2 years from date of manufacture
- e. Fiscal Impact
Annual maintenance is approximately \$50 per PepperBall launcher.
- f. Training
Personnel who have successfully completed a Department-approved training course shall be authorized to use kinetic energy projectiles and /

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or PepperBall. Qualifications will be conducted in accordance with Santa Barbara Sheriff's Office Lexipol Policy Manual.

g. Legal and Procedural Rules

Use is established by SBSO Lexipol policy §300 (Use of Force) and §308 (Control Devices and Techniques).

15. Less Lethal Shotgun – Used to deploy a less lethal 12-gauge drag-stabilized beanbag round.

a. Description, quantity, capabilities, and purchase cost

i. **Remington 870 Less Lethal Shotgun, cost: \$600, quantity: 17**

Remington 870 12-gauge shotgun with "orange" buttstock and forend. Designed for riot and tactical situations.

ii. **Safariland Defense Technologies Drag Stabilized Bean Bag Round, cost: \$7.20 per round, quantity: 478.** Drag stabilized beanbag round for use in a designated beanbag shotgun.

b. Purpose

To limit the escalation of conflict where use of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riots and incidences of violent criminal behavior.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Vicious animals.

d. Expected Life Span

- i. Remington 870 Less Lethal Shotgun – 10 years
- ii. Beanbag round – 5 years

e. Fiscal Impact

Annual maintenance is approximately \$50 for each shotgun.

f. Training

All sworn personnel are trained in the 12-gauge less lethal shotgun by in-service training.

g. Legal and Procedural Rules

Use is established by SBSO Lexipol policy §300 (Use of Force) and §308.5 (Kinetic Energy Projectiles).

16. Distraction Devices – Used for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk situations. Commonly referred to as flash bangs or sting ball.

a. Description, quantity, capabilities, and purchase cost

i. **Defense Technology Flash Bangs, cost: \$45, quantity: 2.** The Tactical Diversionary Device Non-Reloadable is a compact unit designed around a 6.5-gram water-resistant charge, capable of producing an effective, yet reduced 162 decibel sound level.

ii. **Combined Tactical Solutions Flash Bangs, cost: \$43, quantity: 20.** The 7290 produces a 175 decibel sound level and 6-8 million candela of light output. The patented design of the

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7290 incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. Flash Bangs are used by SET during tactical incidents such as barricaded suspects, hostage rescue, and high-risk warrants. Flash bangs are also used by the jail's Special Operations Response Team (SORT) in response to violent disturbances in custody. Flash bangs are an ATF-controlled Class-C explosive device.

iii. **Defense Technology, Stinger 32 Caliber Rubber Ball Grenade, cost: \$40, quantity: 52.** Used as a maximum effect device that delivers three stimuli for psychological and physiological effects: rubber pellets, light, and sound. Used to stop violent criminal behavior.

iv. **Defense Technology Inert Rubber Ball Blast Grenade, cost: \$40, quantity: 18.** The inert rubber ball blast grenade can be used effectively in both training and violent criminal behavior management situations. It simulates the dispersion of riot control agents in a training environment, but without the chemical agent exposure.

b. Purpose

To produce atmospheric over-pressure and brilliant white light. Can cause short-term (6-8 seconds) of physiological/psychological sensory deprivation to give law enforcement personnel a tactical advantage.

c. Authorized Use

Flash bangs shall only be used by:

- i. Sworn personnel who have been trained in their proper use.
- ii. In hostage rescue and barricaded suspect situations.
- iii. High risk search/arrest warrant services where there may be extreme hazards to personnel.
- iv. During other high-risk situations where their use would enhance the safety of the community, law enforcement personnel, and the suspect.
- v. During training exercises.

d. Expected Life Span

5 years from date of manufacture.

e. Fiscal Impact

No annual maintenance.

f. Training

Use is limited to sworn personnel who have attended training by POST certified instructors.

g. Legal and Procedural Rules

Use is established by SBSO Lexipol policy §300 (Use of Force).

17.Launching Cup – A delivery device that attach to 12 gauge less lethal shotguns which allow law enforcement to launch canisters of chemical agents.

a. Description, quantity, capabilities, and purchase cost

- i. **CTS LC5 5 series (52 series canister grenade) launching cup, cost: \$178, quantity: 1.** The LC5 Launching Cups are designed

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for the 5200 series grenades. The cups can be attached to most 12-gauge shotguns and launched with the CTS 2600 launching cartridge.

ii. **Combined Tactical Solutions (CTS), Baffled CS Grenade, cost:**

\$33, quantity: 24. Pyrotechnic CS grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.

iii. **260/1210 12 gauge muzzle bang/launching cartridge, cost \$6 each, quantity: 50.** The 12-Gauge Muzzle Bang/Launching Cartridge incorporates an opaque shell and utilizes black powder as the propellant. This cartridge can be used alone as a Muzzle Bang for crowd management or for propelling grenades when using the LC5 Launching Cup.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of this less lethal weapon system may include, but not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riots and incidences of violent criminal behavior.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Vicious animals.

d. Expected Life Span

25 years for launching cup.

e. Fiscal Impact

No annual maintenance.

f. Training

Personnel using launching cups are trained in their use by POST-certified chemical agents instructors.

g. Legal and Procedural Rules

Use is established by SBSO Lexipol policy §300 (Use of Force) and the SET procedural manual.

18. Rifles and Ammunition – Shoulder-mounted firearms allowing greater precision and accuracy at long distances. These may be department-owned or privately-owned weapons authorized for agency use.

a. Description, quantity, capabilities, and purchase cost

i. **Colt AR15 A2 Government Carbine patrol rifle, cost: \$884, quantity: 131.** Semi-automatic 16" barreled patrol rifles that fire an intermediate power cartridge (.223/5.56mm).

ii. **Colt AR15 patrol rifle, cost: no initial cost, quantity: 37.** Semi-automatic 16" barreled patrol rifles that fire an intermediate power cartridge (.223/5.56mm). These rifles are privately owned and carried/used by SBSO.

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- iii. **Colt M4 Carbine LE6933 rifle, cost: \$1,200 per rifle, quantity: 14.** A semi-automatic 11.5" barreled rifle that fires an intermediate power cartridge (.223/5.56mm). These rifles are issued to Motors and the Special Investigations Bureau.
- iv. **Colt M16A1 rifle, cost: Received from military at no cost. Cost to outfit rifles for law enforcement use: \$14,000, quantity: 10.** A select-fire rifle that fires an intermediate power cartridge (.223/5.56mm). Assigned to the Special Enforcement Team.
- v. **Daniel Defense DDM4 Version 7 .223 rifle, cost: \$1,870 per rifle, quantity: 22.** A semi-automatic 11.5" barreled rifle that fires an intermediate-power cartridge (.223/5.56mm). Assigned to the Special Enforcement Team.
- vi. **Surgeon bolt action .308 Concealable Sniper Rifle (CSR), cost: \$5,000 per rifle, quantity: 5.** 18" barreled rifle chambered in .308 with Accuracy International AXAICS chassis. Assigned to the Special Enforcement Team.
- vii. **Accuracy International AXMC multi-caliber .308/.338 Lapua Magnum (LM), cost: no initial cost, quantity: 1.** Multi-caliber rifle platform chambered in .308 and .338LM. The .308 barrel is 16" in length. The .338LM barrel is 20" in length. Assigned to the Special Enforcement Team.
- viii. **Barrett single shot bolt-action .416 caliber rifle, no initial cost, quantity: 1.** Rifle is capable of immobilizing vehicles, penetrating barriers, and disrupting explosives at great distances. Rifle was donated to the Special Enforcement Team.
- ix. **Ruag Ammotech USA 51 grain frangible .223 ammunition, cost: \$0.57 per round, quantity: 2,000 rounds.** Rifle ammunition used for training and qualification.
- x. **Winchester 55 grain frangible .223 ammunition, cost: \$0.63 per round, quantity: 7,000 rounds.** Rifle ammunition used for training and qualification.
- xi. **Winchester Ranger 64 grain Power Point .223 ammunition, cost: \$0.53 per round, quantity: 2,980 rounds.** Duty ammunition for patrol and specialty unit rifles.
- xii. **Winchester 556 55 grain FMJ .223 ammunition, cost: \$0.29 per round, quantity: 4,000 rounds.** Duty ammunition for patrol and specialty unit rifles.
- xiii. **Federal 62 grain bonded SP .223 ammunition, cost: \$1.15 per round, quantity: 1,900 rounds.** Duty ammunition for patrol and specialty unit rifles.
- xiv. **Ruag Swiss P .308 caliber 168 grain target, cost: \$1.32 per round, quantity: 3,000 rounds.** A round for highly accurate target shooting in competition and training. A wide range of special purpose bullets provide the desired terminal effect on hard and soft targets.
- xv. **Ruag Swiss P .308 caliber 167 grain Styx action, cost: \$2.12 per round, quantity: 5,000 rounds.** The hyper expanding

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hollow point bullet immediately deposits its energy within a very short distance providing stopping power on soft targets and is direction stable.

- xvi. **Ruag Swiss P .308 196 grain armor piercing, cost: \$3.65 per round, quantity: 2,000 rounds.** The tungsten carbide core is much harder and more ductile than most targets.
 - xvii. **Barrett .416 caliber 395 grain 10 round box, cost: \$7.50 per round, quantity: 100 rounds.** The .416 Barrett is a large-caliber, centerfire rifle cartridge, designed to improve the long-range ballistics of the .50 BMG cartridge. It uses a 400-grain bullet and a case with a 200-grain capacity. The case length is 3.27 inches, and the overall length is 4.58 inches.
 - xviii. **Ruag Swiss P .338 Lapua 260 grain armor piercing, cost: \$5 per round, quantity: 2,000 rounds.** Accurate armor piecing round with tungsten carbide core and temperature independent propellant.
 - xix. **Ruag Swiss P .308 caliber 163 grain tactical, cost: \$3.65 per round, quantity: 2,000 rounds.** Ammunition utilized for targets behind angled glass. No projectile deflection and fragmentation ensure the safety of bystanders.
- b. Purpose
Rifles and rifle ammunition are used to address a threat with more precision and accuracy than a handgun.
 - c. Authorized Use
Only sworn personnel that are POST-certified are authorized to deploy rifles.
 - d. Expected Life Span
 - i. Rifles – 25 years
 - ii. Ammunition – 10 years
 - e. Fiscal Impact
Annual maintenance is approximately \$20 for each rifle.
 - f. Training
Prior to deploying a rifle, sworn personnel must be certified by POST instructors in the operation of the rifle. All members that operate any rifle are required to pass a range qualification once a year.
 - g. Legal and Procedural Rules
Use is established by SBSO Lexipol policy §300 (Use of Force) and §312 (Firearms).

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

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EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		<input type="checkbox"/> Known to victim	

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____ Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Supplemental Hate Crime Report.pdf

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

☐ Individual

Legal name (Last, First): _____

Date of Birth

Age

Sex

Race

☐ School, business or organization

Name: _____

Type: _____
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: _____

Faith: _____

☐ Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense

(e.g., 9/11, holy days)

☐ Association with a person or group with
one or more of these characteristics
(actual or perceived)

☐ Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated
characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

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HISTORY**SUSPECT INFORMATION**Legal name (Last, First):
_____Other Names used (AKA):

Date of Birth	Age	Sex	Race

Relationship to Victim:
_____**RELATIONSHIP BETWEEN SUSPECT & VICTIM**Suspect known to victim: ☐ Yes ☐ NoNature of relationship:

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown**WEAPONS/FORCE**Weapon(s) used during incident? ☐ Yes ☐ No Type: _____Force used during incident? ☐ Yes ☐ No Type: _____**EVIDENCE**Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ NoEvidence collected? ☐ Yes ☐ No Recordings: ☐ Video ☐ Audio ☐ BookedPhotos taken? ☐ Yes ☐ No Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known**RESOURCES**Resources offered at scene: ☐ Yes ☐ No☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____**MEDICAL****Victim Suspect**

<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by**Date**

Name/Title/ID number

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