

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## Law Enforcement Division

### Sheriff's Preface

As the most visible symbol of the law, Members of the Sonoma County Sheriff's Department must conduct themselves in a manner that inspires respect for the law. To be worthy of public trust, law enforcement authority must be exercised in a manner consistent with the highest principles of a free society.

The nation's political system is founded on the belief that certain rights are inalienable and that government may not deny or abridge these rights. The departmental "Policy Manual" sets forth the limits of police conduct and the exercise of police power. The policies are designed to instill a high degree of public trust in law enforcement while, at the same time, providing fair and reasonable standards of conduct for Deputy Sheriff's and members.

Whenever there are such written policies, there is also law enforcement professionalism. Law enforcement professionals view standards of conduct as positive ethical goals that are basic and fundamental elements of an effective professional organization. An organization is a reflection of its leadership. Sonoma County Sheriff's Department is a professional community department staffed by individuals who cherish the highest standards of conduct and performance.

This Policy Manual is a reflection of these concepts and, when fairly applied, the policies confirm this commitment to ourselves and to our community.

Sheriff Bill Cogbill  
Sonoma County Sheriff

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

## **Law Enforcement Code of Ethics**

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all men to liberty, equality and justice.

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

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

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## Law Enforcement Division

### Principles of Excellence

#### **“SENSE OF TEAM”**

We believe that an organization with a unified purpose, whose members work cooperatively toward common goals, is highly productive and rewarding to work within. Our organization, by functioning in this manner, embodies a “sense of team.” Each individual understands and accepts their important role in ensuring that the organization fulfills its mission. The needs of individuals and the needs of the organization are carefully balanced to achieve a motivating and cohesive working environment. All members are appropriately empowered and trusted to perform their responsibilities. Members are valued for, and have pride in their individual contributions and team accomplishments. There is a sense of equality and a commitment to mutual respect within our organization, which fosters open and effective lines of communication. Our members are motivated to contribute to the success of each other, thus ensuring the overall success of the organization.

#### **“ORGANIZATIONAL EFFICIENCY”**

We consider an effective organizational structure and efficient management systems as crucial to the delivery of quality detention and law enforcement services. We utilize management systems that involve forecasting, strategic planning, comprehensive and continual evaluation of our structure and operations. We must constantly pursue innovative solutions with creative thinking, increased automation, and enhanced technology to provide the highest quality of services. We strive to maintain a professional, highly trained/experienced and cohesive management team to provide quality leadership. Each member of this organization is viewed as our greatest asset. Accordingly, we are committed to providing appropriate training and opportunities for growth at all levels. This gives us the ability to handle the challenges we face with maximum efficiency and effectiveness. As a result, we ensure a high degree of public trust, respect and confidence.

#### **“COMMUNITY ORIENTED PHILOSOPHY”**

We believe law enforcement organizations that are well integrated with the communities they serve are more aware of and responsive to the needs of the citizens, resulting in greater community trust, respect and support. Our continual effort to maximize positive interaction with citizens in all areas of the county leads to a greater understanding and appreciation of our role as a law enforcement and detention agency. The productive relationships we build with citizens, businesses, schools and other community organizations throughout the county have a direct influence upon our operational success and significantly increase the commitment and job satisfaction on the part of our members. We promote effective partnerships between the organization and interested communities, businesses or agencies to allow operational and fiscal efficiencies to benefit all parties. The organization, as a countywide law enforcement agency, is uniquely situated to provide a consistent level of professional law enforcement and detention services to all geographical areas and population groups. We ensure that all of the citizens and communities that we serve continue to receive optimum levels of protection and response. We believe our community-oriented philosophy and the citizen-oriented attitude that it promotes enables us to approach our responsibilities in both law enforcement and corrections in a highly positive and effective manner.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## Law Enforcement Division

### **“EFFECTIVE ENFORCEMENT OF THE LAW”**

We believe the prevention of crime and the aggressive enforcement of the law is necessary to ensure the safety and security of the communities we serve. Employing our technical expertise in the field of law enforcement and detention, we endeavor to identify and assess potential needs and challenges. Our proactive approach enables us to remain in a state of readiness to deal swiftly and effectively with individuals or situations that pose a threat to the public. We provide all members with appropriate training and resources to efficiently perform required enforcement functions. We are committed to working with other criminal justice agencies, public service agencies, and the community to develop innovative prevention and treatment alternatives aimed at reducing crime. The prevention of crime through public education and the enforcement of the law will be utilized to ensure that the citizens of Sonoma County receive the greatest level of protection available.

### **“COMMITMENT TO DUTY AND TRADITION”**

Since 1850, the Sonoma County Sheriff's Department has remained steadfast in serving and protecting the public. We are committed to upholding the duty, honor and professional traditions of all who have served before us. We recognize that our ability to ensure the safety and security of those we serve requires that each member understand and carry out their sworn oath and legal obligations. We will not waiver or compromise our integrity as we fulfill our duties and continue to earn the public's trust and confidence. We must continue to build for the future without forgetting the past.

# SONOMA COUNTY SHERIFF'S DEPARTMENT



*Mission Statement, Core Values  
& Principles of Excellence*

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division



**Sonoma County Sheriff's Department  
Mission Statement**

***Core Values***

IN PARTNERSHIP WITH OUR  
COMMUNITIES,  
WE COMMIT TO PROVIDE  
**PROFESSIONAL, FIRM, FAIR AND  
COMPASSIONATE**  
LAW ENFORCEMENT AND  
DETENTION SERVICES  
WITH **INTEGRITY AND RESPECT**

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

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SONOMA COUNTY SHERIFF'S DEPARTMENT  
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**Chapter 1 – Law Enforcement Role & Authority**

## 100 - Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

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

### 100.2 PEACE OFFICER POWERS

Deputy Sheriff's of this Department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (b) Where the peace officer has the prior consent of the Chief of Police, or person authorized by him or her to give consent, if the place is within a city or of the Sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
- (c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

### 100.3 CONSTITUTIONAL REQUIREMENTS

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

## 104 - Oath of Office

### 104.1 PURPOSE AND SCOPE

All sworn members of this agency are sworn to enforce the law and uphold the federal and state constitutions and the municipal laws of the County of Sonoma.

#### **104.11 OATH OF OFFICE**

Upon employment, all members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging their duties.

## 106 - Sonoma County Sheriff's Department Law Enforcement Division Policy Manual

### 106.1 PURPOSE AND SCOPE

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

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

### 106.2 RESPONSIBILITIES

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

#### **106.21 SHERIFF**

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue departmental directives which shall modify those provisions of the Manual to which they pertain. The Departmental Directives shall remain in effect until incorporated into the Manual on an annual basis.

#### **106.22 COMMAND STAFF**

Staff shall consist of the Sheriff, the Assistant Sheriffs and Captains. Staff shall review all recommendations regarding proposed changes to the Manual at Staff meetings.

#### **106.23 OTHER PERSONNEL**

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

### 106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

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

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## **106.31 ACCEPTABLE ABBREVIATIONS**

The following abbreviations are acceptable substitutions in the manual and as footnotes. Footnotes are placed three spaces below the last line of text in the left-hand margin.

- Interim Directives may be abbreviated as "ID."
- Policy Manual Sections may be abbreviated as "Section 106.X" or "§ 106.X."

## **106.32 DEFINITIONS**

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

Adult	Shall mean any person eighteen years of age or older.
CHP	Shall refer to the California Highway Patrol.
Department	Shall mean the Sonoma County Sheriff's Department.
DMV	Shall refer to the Department of Motor Vehicles.
Member/Personnel	Apply to any person employed by the Department.
Juvenile	Shall mean any person under the age of eighteen years.
Manual	Shall refer to the Sonoma County Sheriff's Department Policy Manual.
Member	Term applied to all persons who are employed by the Department including sworn Deputies, civilian employees, reserve Deputies and volunteers.
Deputy/Sworn	Applies to those members, regardless of rank, who are sworn members of the County of Sonoma.
On-Duty	Member status during the period when he/she is actually engaged in the performance of his or her assigned duties.
Order	An instruction either written or verbal issued by a superior.
Rank	Shall mean the title of the classification held by a member.
Shall	Indicates a mandatory action.
Should (or may)	Indicates a permissive or discretionary action.

## **106.33 DISTRIBUTION OF MANUAL**

Copies of the department Manual shall be issued to all affected members.

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

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 2 – Organization & Administration**



## 200 - Organizational Structure & Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 DIVISIONS

The Sheriff is responsible for administering and managing the Sonoma County Sheriff's Department. There are three divisions in the Department as follows:

- Administration
- Detention
- Law Enforcement

#### **200.21 ADMINISTRATION DIVISION**

The Administration Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Administration Division. The Administrative Division consists of Personnel Bureau, Internal Affairs Bureau, Administrative Services, Central Information Bureau, Civil Bureau and Dispatch Bureau and Information Services.

#### **200.22 LAW ENFORCEMENT DIVISION**

The Law Enforcement Division is commanded by an Assistant Sheriff whose primary responsibility is to provide general management direction and control for the Law Enforcement Division. The Law Enforcement Division consists of Field Services, Investigations, the operations of contract cities, Court Security and Transportation.

#### **200.23 DETENTION DIVISION**

The Detention Division is commanded by an Assistant Sheriff whose primary responsibility is to provide general management direction and control for the Detention Division. The Detention Division consists of the Operations of the NCDF and MADF facilities, Support Services, and Planning & Research.

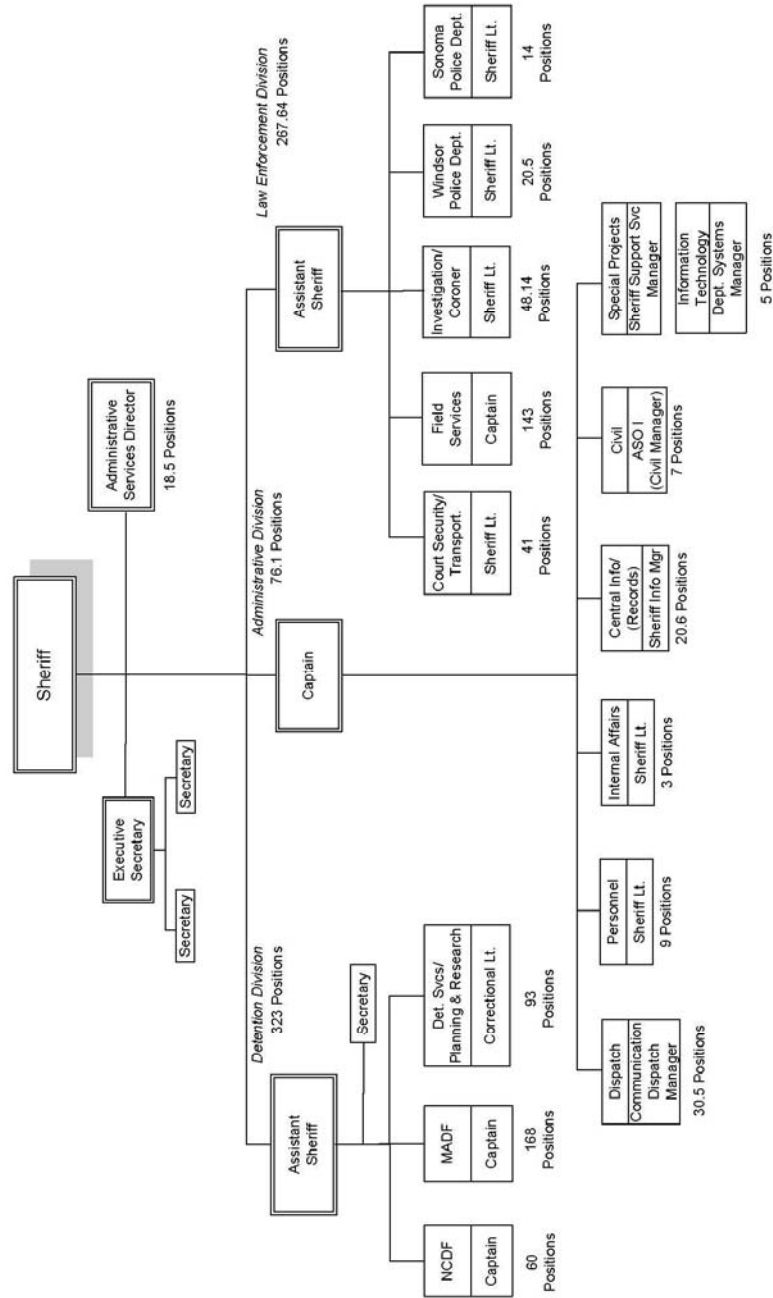
SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

202 - Sonoma County Sheriff's Organization Chart

**Sonoma County Sheriff's Department**

Adopted FY 04-05 Budget

Effective October 1, 2004



**Total Departmental Positions: 690.24**

## 204 - Departmental Directives

### 204.1 PURPOSE AND SCOPE

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

#### **204.11 DIRECTIVE PROTOCOL**

Directives will be incorporated into the manual as required upon approval of the Sheriff. Each year the Directive(s) will modify existing policies or create a new policy as appropriate. Once the directive has been incorporated into the manual as policy, it will be rescinded.

All existing Directives have now been incorporated in the updated Policy Manual, revised October 2006.

Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1", etc. For example, 06-1 would be the first directive for 2006.

## 206 - Disaster Plan

### 206.1 PURPOSE AND SCOPE

The County of Sonoma has prepared an Emergency Management Plan Manual for use by all County members in the event of a major disaster or other emergency event. The Manual provides for a strategic response by all members and assigns specific responsibilities in the event the plan is activated.

### 206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can 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.

### 206.3 LOCATION OF MANUALS

The Emergency Management Plan is available to members for review in the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

## 208 - Training Policy

### 208.1 PURPOSE AND SCOPE

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

### 208.2 PHILOSOPHY

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

### 208.3 OBJECTIVES

The objectives of the Sonoma County Sheriff's Department's training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Fulfill all legal mandates.

### 208.4 TRAINING PLAN

A training plan will be developed and maintained by the Department. The plan will address the following areas:

- (a) Legislative changes and case law.
- (b) State mandated training.
- (c) Critical issues training.
- (d) Defensive Tactics.

### 208.5 TRAINING NEEDS ASSESSMENT

The Training Bureau will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the Department's Staff. Upon approval of the Staff, the needs assessment will form the basis for the Training Plan for the fiscal year.

## 214 - 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 to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status. Memorandums may be distributed electronically or in writing.

### 214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Sonoma County Sheriff's Department is not misused, all external correspondence shall be on Department letterhead. 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 Sonoma County Sheriff's Department shall be authorized by the Sheriff or designee.

## 215 – Contract City Police Department Policy & Procedure

### 215.1 PURPOSE AND SCOPE

When there is no Contract City Lieutenant or Sergeant on duty, the following procedure has been established.

### 215.2 PROCEDURE

Whenever a major incident occurs in a Contract City, or one which involves a Contract City Deputy, a Contract City Sergeant shall be notified. Prior to that call, the on-duty main office Sergeant and Lieutenant, if appropriate, shall be notified. Upon arrival of the Contract City Sergeant, the main office Sergeant will be relieved. If a Contract City Sergeant cannot be reached, the Contract City Lieutenant shall be notified. In any case, a Contract City Sergeant or main office Watch Commander can determine the necessity to inform the Contract City Lieutenant.

**Major Incident:** A major incident shall include a homicide, a life threatening injury or fatal accident, a major Haz Mat, a deputy involved critical incident (as defined by the protocol), a SWAT call-out, or any sensitive incident.

### 215.3 GUIDELINES

The following information should assist Sheriff's personnel in the absence of a Contract City Sergeant or Lieutenant being on duty.

- (a) Contract City Deputy Sick Call: Contract City personnel sick calls will be referred to the Main Office Sergeant. The Main Office Sergeant will determine if overtime is needed to back-fill the sick call, and arrange for proper staffing.
- (b) Overtime to Back-fill a Contract City: If overtime is needed to back-fill a Contract City's minimum staffing, Sheriff's Deputies may volunteer. If there are no volunteers, Contract City Deputies will be ordered to stay over until relief can be located. The main office Sergeant or Lieutenant has the authority to exercise discretion in the use of resources to ensure staffing levels.
- (c) Press Releases: When the Contract City Lieutenant or Sergeant is off duty, it is the responsibility of the main office watch commander to prepare a press release per the News Media Relations Policy.
- (d) DUI Turnovers from Sheriff's Deputies: It is the Contract City Deputies' discretion to accept DUI turnovers.
- (e) Coroner Cases within the Contract City: Contract City Deputies will respond to coroner case calls as any other police department. If it is an attended death or one that would not require the response of a Deputy Coroner, Contract City Deputies will handle. Any death that would require the response of a Deputy Coroner, in the

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *215 – Contract City Police Department Policy & Procedure*

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absence of an on-duty Deputy Coroner, a Sheriff's Deputy will be called to handle as in any other incorporated jurisdiction.

- (f) Citizen's Complaints Regarding Contract City Personnel: Complaints should be referred to the on-duty Contract City Sergeant. In the absence of a Contract City Sergeant, the Main office Sergeants are encouraged, if possible, to handle the complaint. Otherwise, refer it to the proper Contract City Sergeant.
- (g) Contract City Sergeant Assisting Outside Contract City Town Limits: If the Sheriff's Sergeant is tied up on a major incident and a second major incident occurs in Sheriff's Department jurisdiction, the Contract City Sergeant will respond to supervise the second incident upon request. The Contract City Sergeant will be released upon the arrival of a Sheriff's Sergeant.
- (h) Sphere of Influence for Contract City Personnel: Those geographic areas of mutual concern in which Contract City personnel can respond to assist, back-up, or handle urgent or emergency calls for the Sheriff's Department without supervisor approval.
- (i) (This does not govern Code-20, and Code 30 responses. In those cases, the overview of those responses will be the responsibility of the Contract City Sergeant, and in his absence, the main office Sergeant.)
- (j) Sheriff's Deputy or Contract City Deputy Vehicle Accidents Within Contract City Town Limits:
  - 1. If the accident is non-injury and/or minor damage, a Contract City Deputy will take the report.
    - (a) The Deputy's immediate supervisor or main office Sergeant will handle per current Sheriff's Department policy. If no other Contract City Deputy or Sergeant is available to take the initial traffic accident report, the California Highway Patrol will take the accident report.
  - 2. In the event of an injury accident, the California Highway Patrol will handle the report as per Sheriff's Department inter-departmental agreement. The Deputy's immediate supervisor or main office Sergeant will also respond per current Sheriff's Department policy.
- (k) Hazardous Materials Incidents: Contract City Police Department personnel are the incident commanders at the scene of hazardous materials incidents within the Town of Contract City.
- (l) Town of Contract City Law Enforcement Coverage: If the on-duty Deputies assigned to the Contract City are unable to respond to pending law enforcement calls, and no Contract City Sergeant or Lieutenant is available, it is the main office watch commander or sergeant's responsibility for maintaining law enforcement coverage within the Contract City. The main office watch commander or Sergeant shall have discretionary authority to utilize any available resources to ensure the public safety through the prioritization of calls.



## 219 - Concealed Weapons Licenses

### 219.1 PURPOSE AND SCOPE

To establish a protocol for processing, issuing and renewing licenses to carry concealed weapons (CCW).

### 219.2 GENERAL

The Sheriff has adopted the provisions set forth in the Sonoma County Law Enforcement Chief's Association Protocol No. 85-6, entitled *Concealed Weapon (CCW) License Policy*, incorporated by this reference as though fully set forth herein.

- (a) The Chief of Police or Sheriff has the responsibility and authority to issue or deny licenses to carry concealed weapons pursuant to Penal Code Section 12050.
- (b) This protocol conforms to the State laws governing licenses to carry concealed weapons, Penal Code Sections 12050-12054.
- (c) Penal Code Section 12031 describes the violation, punishment and exceptions for carrying a loaded firearm in a public place or street.

### 219.3 STATUTORY REQUIREMENTS

#### 219.31 ISSUANCE (PENAL CODE SECTION 12050)

- (a) The Chief of Police or Sheriff may issue a license to carry a concealed weapon, upon proof:
  - 1. That the person applying is of good moral character, and
  - 2. That good cause exists for the issuance, and
  - 3. That the person applying is a resident of the City/County, or is a person who has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that Sheriff or that Chief of Police or other head of a municipal police department, and
  - 4. That the person applying has completed a course of training in conformance with Penal Code Section 12050(E).
- (b) License may be issued for any period of time not to exceed the limitations listed below from date of issuance.
  - 1. Standard CCW
    - (a) Issued to residents in a particular County or City within the County.
    - (b) Term: Up to two years.

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## 219 - Concealed Weapons Licenses

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2. Judge CCW
    - (a) Issued to California Judges, full-time Court Commissioners and to Federal Judges and Magistrates of Federal Courts. Due to the special relationship between the Sheriff and the Sonoma County Courts, the Sheriff may issue CCWs to active and retired Sonoma County Judges.
    - (b) Term: Up to three years.
      1. Due to the need to confirm requalification every two years these licenses will be valid for a period of two years.
  3. Peace Officer CCW
    - (a) Issued to reserve peace officers appointed pursuant to Penal Code Section 830.6.
    - (b) Term: Up to four years; invalid upon conclusion of the appointment as a reserve peace officer.
  4. Retired Federal Officer CCW
    - (a) Upon approval of the sheriff of the county in which they reside, issued to honorably retired federal officers or agents pursuant to Penal Code Section 12027(a)(1)(E)(3)(i).
    - (b) Term: For a period not exceeding five years.
- (c) The *type* and *term* of the license shall be entered in the "Restrictions" section of the CCW license form.
- (d) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place and circumstances under which the person may carry a concealed weapon.
1. Any restrictions imposed shall be indicated on the license.

### **219.32 APPLICATION (PENAL CODE SECTION 12051)**

- (a) Applications shall be uniform throughout the state, upon forms to be prescribed by the Attorney General (Form SS 8501).
- (b) No licensing authority shall require any license applicant to complete any additional application or form for a CCW, or provide any information other than that necessary to complete the standard application form, except to clarify or interpret information provided by the applicant on the standard application form.

### **219.33 FINGERPRINTING (PENAL CODE SECTION 12052)**

- (a) Two (2) sets of fingerprints shall be taken from each applicant on forms prescribed by Department of Justice (Form BID-9).

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- (b) Department of Justice shall report all data and information on the applicant to the issuing authority.
- (c) No license shall be issued by the licensing authority until after receipt of the reply from the Department of Justice.
- (d) Renewals
  - 1. The licensing authority shall note the previous identification number and other data which would provide positive identification in Department of Justice files on the copy of any subsequent license submitted to the Department of Justice, and
  - 2. No additional fingerprints shall be required.

### **219.34 DEPARTMENT REPORTING AND RECORDS**

- (a) Pursuant to Penal Code Section 12053, the licensing authority shall maintain a record of the following and immediately provide copies of each to the Department of Justice:
  - 1. The denial of a license.
  - 2. The denial of an amendment to a license.
  - 3. The issuance of a license.
  - 4. The amendment of a license.
  - 5. The revocation of a license.
- (b) The licensing authority shall also annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

### **219.35 FEE (PENAL CODE SECTION 12054)**

- (a) Each applicant for a new or renewal license shall pay a fee to the Department of Justice as outlined in Penal Code Section 12054.
- (b) The licensing authority may charge an additional fee based upon the cost of processing the application or amending a current valid license as outlined in Penal Code § 12054.
  - 1. The first twenty (20) percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license. (Penal Code Section 12054(a).)

## 219.4 FIREARMS SAFETY COURSE REQUIREMENTS

### **219.41 FIREARMS SAFETY COURSE**

Firearms Safety Course providers shall be approved by the S.C.L.E.C.A. after a review of their training curriculum.

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- (a) Citizen
  - 1. Initial Application
    - (a) Successful completion of a Firearms Safety Course with the weapon(s) to be designated on the license.
    - (b) The course of training may be any course acceptable to the licensing authority, shall not exceed sixteen (16) hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. Notwithstanding this clause, the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of twenty-four (24) hours, but only if required uniformly of all license applicants without exception. (Penal Code Section 12050(E).)
  - 2. Renewal
    - (a) Successful completion of a Firearms Safety Course within two (2) years of the date of renewal application.
    - (b) The course of training may be any course acceptable to the licensing authority, shall be no less than four (4) hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm (Penal Code Section 12050(E).)
- (b) Reserve Officers
  - 1. Completion of Basic Course prescribed by POST or
  - 2. The course required by Penal Code Section 832, and
  - 3. Qualification score(s) at department shoot.
  - 4. The issuing department may allow formerly sworn reserve officers to complete the recurrent training required of active reserve officers in lieu of the Firearms Safety Course.

### 219.5 CRITERIA FOR APPROVAL, DENIAL OR CANCELLATION/REVOCAION

- (a) By mutual agreement, the Police Chief of incorporated cities or the Sheriff of the County shall limit the issuance of Concealed Weapon Licenses only to residents of their respective jurisdictions; i.e., residents of incorporated cities would apply to the Police Chief of that city and residents residing in unincorporated areas would apply to the Sheriff. The exception to this policy shall be that a Police Chief or the Sheriff may issue a license to individuals employed by or retired from their respective agencies jurisdictions who hold or formerly held sensitive positions and meet the general criteria irrespective of place of residence. In such cases, the agency head issuing such a license shall make written notification to the agency head of the jurisdiction in which the applicant resides.
- (b) The Chief of Police or Sheriff may issue a license to carry a concealed weapon, upon proof that good cause exists for the issuance.

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1. The applicant must demonstrate good cause that a need to carry a weapon exists. Good cause includes, but is not limited to:
  - (a) Evidence of specific circumstances that there will likely be an ongoing attempt on the part of a second party to cause the applicant, or his or her immediate family, serious harm that cannot be minimized by other non-lethal alternatives.
  - (b) The nature of the lawful business or lawful occupation of the applicant is such that it subjects the applicant to an articulable high personal risk of criminal attack that cannot be minimized by other non-lethal alternatives.
  - (c) The applicant's lawful presence is required in an area where he or she can demonstrate a substantive danger that requires self-defense that cannot otherwise be provided by other non-lethal alternatives.
  
2. Denial Criteria: Good cause for denial of a permit includes, but is not limited to the following:
  - (a) Residence not within agency's jurisdiction.
  - (b) Not a U.S. citizen.
  - (c) Criminal history.
  - (d) Controlled substance abuse.
  - (e) Dishonorable discharge from military service.
  - (f) History of mental illness.
  - (g) Denied a license to carry a concealed weapon.
  - (h) License to carry a concealed weapon revoked.
  - (i) Unstable personality or threats of violence (i.e. history of violence).
  - (j) Potential liability to City/County if license is issued.
  - (k) Physically unable to safely handle weapon.
  - (l) General fear of crime with no specific information to substantiate it.
  - (m) To protect assets when other means of protection are readily available.
  
3. Cancellation/Revocation Criteria: Good cause for cancellation/revocation of a permit includes, but is not limited to the following:
  - (a) License holder moves outside agency's jurisdiction.
  - (b) Arrest or criminal activity.
  - (c) Controlled substance abuse.
  - (d) Mental illness.
  - (e) Unstable personality or threats of violence (i.e. acts of violence).
  - (f) Inappropriate behavior.

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- (g) Potential liability to City/County if license is allowed to remain active.
- (h) Physically unable to safely handle weapon.
- (i) Any other reason, not listed above, that creates concern for the community or the issuing agency.
  - 1. License holder will receive a letter of explanation from the respective City/County outlining the terms and conditions for the cancellation/revocation of the license.
  - 2. The Department of Justice will receive a carbon copy of the above referenced letter regarding the cancellation/revocation of the CCW license.
  - 3. The license holder will be required to surrender the license to the issuing agency.

### 219.6 LICENSE RESTRICTIONS

- (a) A license may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm.
  - 1. Any restriction imposed shall be indicated on the license.
  - 2. The following restrictions shall apply to all license holders and shall be clearly stamped on the Concealed Weapons License:

#### TO ANY PEACE OFFICER:

Carrying a weapon is not authorized when the holder of this license is under psychiatric care, or is under the influence of medication, illicit substances, or has consumed any alcoholic beverage. Nor is it authorized when the holder is present on the premises where the service of alcoholic beverages is the primary function. Absent an exemption noted on this license, this license expressly prohibits the carrying of firearms on the property of any school, court building, courtroom, jail or prison facility, or any other place where firearms are prohibited.

If the holder of this license comes to your attention under any of the above circumstances, or is arrested for criminal misconduct, this license is to be seized and returned to the (issuing agency).

- 3. The restrictions specified above in paragraph 1, sentences 2 and 3, may be waived by the Chief of Police or Sheriff for a license issued to a sworn or formerly sworn reserve peace officer or Correctional Deputy.
- (b) Restriction Examples
    - 1. Restricted to the specific use of protection of person while traveling.
    - 2. Restricted to the specific use of protection of company assets while traveling.
    - 3. Restricted to the specific use of transferring assets (i.e. business to deposit).  
Restricted to the specific use of compliance to vocational duties.

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## *219 - Concealed Weapons Licenses*

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### 219.7 APPLICATION PROCEDURE

- (a) Upon request, a citizen will be given a Concealed Weapons License packet to include:
1. CCW application explanation and instruction sheet.
  2. DOJ application form (Form SS8501).
  3. Two (2) DOJ applicant fingerprint cards (Form BID-9).
- (b) Applicant shall submit:
1. Copy of approved Firearms Safety Course Certificate of Completion.
  2. Copy of birth certificate or naturalization papers.
  3. Copy of Honorable Military Discharge (Form DD214 or DD256A), if applicable.
  4. Three (3) letters of reference.
  5. Completed and signed DOJ application form.
  6. Two (2) completed and signed DOJ applicant fingerprint cards (Form BID-9).
  7. A check or money order made payable to "California Department of Justice".
  8. Additional agency processing fee, if applicable.
  9. Written evidence from a licensed physician that the applicant is not currently suffering from any medical condition which would make the individual unsuitable for carrying a concealed weapon, (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.
  10. The applicant shall also be referred to an authorized psychologist used by the issuing Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. (NOTE: The cost of such psychological testing [not to exceed \$150.00] shall be paid by the applicant.) If it is psychologically determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.
  11. Honorably retired federal officers shall provide written certification from the agency from which they retired certifying their service in the state, the nature of their retirement, and indication of the agency's concurrence that the retired federal officer should be accorded the privilege of carrying a concealed weapon. This requirement is in lieu of the three (3) letters of reference described in number 4 above for retired federal officers only.
- (c) Applicant shall be:
1. Fingerprinted on two (2) DOJ applicant fingerprint cards (Form BID-9).
  2. Right thumbprint on DOJ application (Form SS8501).

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 219 - Concealed Weapons Licenses

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3. Record check consisting of:
  - (a) Department of Motor Vehicles.
  - (b) CLETS (Criminal record/WPS).
  - (c) CLETS (AFS on weapons and applicant).
  - (d) Warrants.
  - (e) Agency files.
  
- (d) License officer shall:
  1. Review applicant's CCW file and application.
    - (a) Verify residency.
    - (b) Proof of need for license.
    - (c) Proof of identity.
    - (d) Proof of citizenship.
    - (e) Military Discharge, if applicable.
    - (f) Firearms Safety Course Certificate or equivalent.
    - (g) Registration of listed weapon(s).
    - (h) Background of applicant:
      1. Good moral character.
      2. Records and wants.
      3. Fingerprints.
  
- (e) Evaluation interview.
  1. Make a recommendation, including license restrictions, and forward the file to the Chief of Police/Sheriff, or their designee.
  
- (f) Chief of Police/Sheriff, or their designee:
  1. May either approve or deny the application.
  2. Direct a letter be sent to the applicant with notification of disposition.

### **219.71 RENEWAL PROCEDURE**

- (a) The applicant shall:
  1. Complete and sign the DOJ application (Form SS8501).
  2. Submit a check or money order payable to "California Department of Justice".
  3. Pay agency processing fee, if applicable.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *219 - Concealed Weapons Licenses*

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- (b) License officer's responsibilities:
1. Review CCW file.
  2. Verify that all information and record checks have been updated and are current.
  3. Verify that the applicant has completed an approved Firearms Safety Course as provided in paragraph III.
  4. Make a recommendation, including license restrictions, and forward to the Chief of Police/Sheriff, or their designee.

### 219.8 DENIAL APPEAL PROCEDURE

- (a) The applicant shall be notified of the license denial by letter, which will include instructions for an appeal.
- (b) The applicant must initiate the appeal by contacting the agency and requesting an appointment.
- (c) The Chief of Police/Sheriff or designee may schedule an informal interview with the applicant to review the application and denial.
1. The applicant will be afforded the opportunity to provide any new and/or additional information pertinent to the application.
- (d) The Chief of Police/Sheriff shall make the final determination either to approve or deny the license.

### 219.9 RESERVE OFFICERS

- (a) Initial Application
1. Reserve officers shall submit the required applications, be fingerprinted and pay the required fees.
  2. Reserve officers will be exempt from those requirements that have previously been met in the reserve officer pre-appointment background investigation mandated by POST
  3. License officer shall:
    - (a) Review the applicant's CCW file.
    - (b) Review the reserve officer's training file to verify the requirements have been met.
    - (c) Review the department's range scores to verify the reserve officer has qualified.
    - (d) Make a recommendation and forward the file to the Chief of Police/Sheriff, or their designee.
  4. The reserve officer shall comply with the department's general order or policy applicable to firearms qualification.

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## *219 - Concealed Weapons Licenses*

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5. The CCW license shall be valid for four (4) years.
  - (a) The CCW license shall be revoked upon either the resignation or termination of the reserve officer.
  
- (b) Renewal Procedure
  1. Reserve officers shall comply with the requirements for renewal application.
  2. License officer shall comply with the procedure for renewal application.
  3. Formerly sworn reserve officers may be issued licenses by their previous appointing agency so long as they reside within the County of Sonoma. The duration of the permit shall be the standard time for a citizen CCW.

## Retired Officer CCW Endorsements

### 220.1 PURPOSE AND SCOPE

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

### 220.2 QUALIFIED RETIREES

Any full time sworn officer of this Department who was authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement. (Penal Code § 12027(a)(1)(D)).

- (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 § 12027.1 (b)(3)(e))

### 220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired deputy shall:

- (a) Qualify annually with the authorized firearm at a course approved by this Department at the retired deputy's expense. Upon verification by this Department that all annual requirements have been met by an otherwise qualified retired deputy, the "CCW Approved" endorsement shall be re-stamped and dated.
- (b) Remain subject to all department rules and policies as well as all federal, state and local laws. (Penal Code § 12027.1(a)(2))
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

### 220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC 926C and Policy Manual § 312.8, qualified retired officers of this Department may be authorized to carry a concealed weapon in other states.

### 220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired deputy shall be 2 x 3 inches and minimally contain the following (Penal Code § 12027(a)(1)(D)):

- (a) Photograph of the retiree

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *Retired Officer CCW Endorsements*

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- (b) Retiree's name, address and date of birth;
- (c) Date of retirement;
- (d) Name and address of this Department;
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year) or, in the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".

### 220.6 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any deputy retired from this Department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

- (a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. (Penal Code § 12027.1(b)(3)).
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of hearing by either personal service or First Class mail, postage prepaid, return receipt requested to the retiree's last known address. (Penal Code § 12027.1(b)(2)).
  - 1. The retiree shall have 15 days from the Department's verification of service to file a written request for a hearing.
  - 2. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) If timely requested, the hearing for the denial or revocation of any CCW endorsement shall be composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly. (Penal Code § 12027.1(d)).
  - 1. The decision of such hearing board shall be binding on the Department and the retiree.
  - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege".

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 3 – General Operations**

## 300 - Use of Force

### 300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide Deputies of this department with 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, each Deputy is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

#### **300.11 PHILOSOPHY**

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

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

This department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting Deputies with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

### 300.2 POLICY

It is the policy of this Department that Deputies shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the Deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that Deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation.

#### **300.21 PENAL CODE § 835(A)**

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the 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 or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such Deputy be deemed the aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *300 - Use of Force*

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### **300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether or not to apply any level of force and evaluating whether a Deputy has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the Deputy at the time).
- (b) Deputy/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of Deputies vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the deputy under the circumstances).
- (f) Seriousness of the suspected offense or reason for contact with the individual.
- (g) Training and experience of the Deputy.
- (h) Potential for injury to citizens, Deputies and suspects.
- (i) Risk of escape.
- (j) Other exigent circumstance.

It is recognized that Deputies are expected to make split-second decisions and that the amount of a Deputy's time available to evaluate and respond to changing circumstances may impact his or her decision.

While various degrees of force exist, each Deputy is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

### **300.23 NON-DEADLY FORCE APPLICATIONS**

Any application of force which is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each Deputy is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of Deputies and the public.

Given that no policy can realistically predict every possible situation a Deputy might encounter in the field, it is recognized that each Deputy must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a Deputy to actually sustain physical injury before applying reasonable force.

### **300.24 CAROTID RESTRAINT**

The carotid restraint may be used as a method of restraining suspects who are actively resisting or assaultive. This section is intended to provide Deputy Sheriffs with guidelines on the use of the carotid restraint.

- (a) The hold should be applied with the intent to render the suspect unconscious.

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## *300 - Use of Force*

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- (b) In applying the carotid restraint, full pressure should be maintained for no longer than thirty (30) seconds.
- (c) If the suspect is still conscious after thirty (30) seconds, pressure should be reduced so the carotid arteries are no longer compressed, but the neck remains immobilized until the Deputy gets assistance or can safely use another method to restrain the suspect.
- (d) Ordinarily, the carotid restraint hold should not be used on a suspect more than once during an enforcement contact or incident.
- (e) If two Deputies are present, the carotid restraint should be applied as a two person technique, with the second Deputy responsible for monitoring both the application of the hold to ensure it is placed correctly and the level of consciousness of the suspect.
- (f) After the carotid restraint is used and the suspect is handcuffed, check vital signs. If necessary, give first aid and call for emergency medical assistance.
- (g) Advise transporting Deputy, booking deputy and/or medical personnel that the suspect was placed in a carotid restraint.
  - 1. Document the use of the carotid restraint on the booking form and arrest report.
  - 2. If the suspect was rendered unconscious, medical clearance is required before booking.
- (h) Deputies will use only Sonoma County Sheriff's Department approved and taught carotid restraint techniques.

### 300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the deputy reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury;
- (b) A deputy may not use deadly force to stop a fleeing suspect unless the deputy has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

### 300.4 REPORTING THE USE OF PHYSICAL FORCE

Any use of physical force by a member of this Department shall be documented completely, promptly and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law. Actions not considered physical use of force are department-approved searching or handcuffing when the suspect does not resist.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *300 - Use of Force*

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### **300.41 NOTIFICATION TO SUPERVISORS**

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

- (a) Where the application of force appears to have caused physical injury.
- (b) The individual has expressed a complaint of pain.
- (c) Any application of a less lethal control device.
- (d) Where the individual has been rendered unconscious.

### **300.42 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE**

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious.

### **300.5 SUPERVISOR RESPONSIBILITY**

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

- (a) Obtain the basic facts from the involved Deputy(s).
- (b) Ensure that any injured parties are examined and treated.
- (c) If appropriate, separately interview the subject(s) upon whom force was applied.
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.
- (h) In the event that the supervisor believes that the incident may give rise to potential civil litigation, the Watch Commander and Risk Management should be notified.

## 304 - Use of Firearms

### 304.1 PURPOSE AND SCOPE

The purpose of the Use of Firearms policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only, and does not increase the Department's and/or a Deputy's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

#### **304.11 POLICY**

It is the policy of this Department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- (a) A deputy may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury.
- (b) A deputy may use deadly force to affect the arrest or prevent the escape of a suspected felon where the deputy has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal.
- (d) 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)). 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)).
- (e) For target practice at an approved range.

Where feasible, a warning shall be given before a Deputy resorts to deadly force as outlined above. A specific warning that deadly force will be used is not required by this policy, only that a warning be given if feasible.

#### **304.12 WARNING SHOTS**

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

#### **304.13 MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- (a) Unless it reasonably appears that it would endanger Deputies or the public, Deputies should attempt to move out of the path of any approaching vehicle.

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## *304 - Use of Firearms*

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- (b) This is not intended to restrict a Deputy's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the Deputy or others.
- (c) Deputies may not use deadly force to stop a fleeing suspect unless the Deputy has a probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

### **304.14 CHOICE OF FIREARMS**

Handguns, rifles and shotguns are authorized to be used in circumstances in which a reasonable Deputy would conclude that the particular firearm would be the most effective weapon. Prior to using a particular weapon, each Deputy must have successfully completed the Department-approved qualification course.

### 304.2 REPORTING

Any Deputy who discharges a firearm, whether accidentally or intentionally, on or off duty (except during training or recreational use) shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq. and Constitutional law:

- (a) The Deputy shall make a verbal report regarding the discharge of the firearm to the on-duty supervisor as soon as practical.
- (b) The Deputy shall prepare a memo detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to his/her immediate supervisors as soon as practical, except when the Sonoma County Law Enforcement Chiefs Association countywide Protocol 93-1, named the "Employee Involved Fatal Incident Protocol", has been invoked.
- (c) If the countywide "Employee Involved Fatal Incident Protocol" has been invoked, then the Deputy shall comply with all protocols required therein.
  - 1. The "Employee Involved Fatal Incident Protocol" is invoked when a "critical incident" has occurred in Sonoma County.
  - 2. A critical incident is an incident involving two or more people, in which a police agency employee is involved as an actor, victim, or custodial officer, where fatal injury (including an injury which is so severe that death is likely to result) occurs, (Reference: page 9 of "Employee Involved Fatal Incident Protocol" booklet.)

### 304.3 INVESTIGATIONS

- (a) The immediate supervisor (or on-duty supervisor) of a Deputy who discharges a firearm shall make any investigation that is needed to properly evaluate the circumstances of the firearm discharge. Unless the countywide "Employee Involved Fatal Incident Protocol" has been invoked, that supervisor shall prepare a memo detailing his/her finding(s) and conclusion(s).

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1. The supervisor's memo should include, but not be limited to, the facts and circumstances of the shooting, whether or not the shooting was within policy, and any training issues.
  2. The supervisor shall forward the memo and all pertinent documentation to the responsible Lieutenant or the Watch Commander (whichever is appropriate).
- (b) The responsible Lieutenant shall review all relevant documents and other information necessary to prepare a summary memo on the incident.
1. The memo is not required to reiterate what is in the Deputy and supervisor's memoranda, but should include a brief summary of circumstances, a clarification of facts, a review of the employee's past disciplinary actions, and a finding regarding any violations of law or policy.
  2. The responsible Lieutenant shall forward the memoranda and all other relevant information to the Captain or Assistant Sheriff, as appropriate.
- (c) The Assistant Sheriff shall determine what, if any, disciplinary action is to be taken in accordance with County and Department policies. The Assistant Sheriff shall forward all original memoranda and any disciplinary action information to the Sheriff's Personnel Bureau for filing.

## 305 - Maximum Restraint

### 305.1 PURPOSE AND SCOPE

To give Deputies a medically approved technique that places the combative or self-destructive, handcuffed suspect into a position which allows the suspect to be safely transported to a medical facility, county jail or juvenile hall.

### 305.2 POLICY

The maximum restraint position will be used to control violent, handcuffed individuals who continue to kick and resist. Good judgment and appropriate care must be used during and after application of the technique. Deputy Sheriffs will be issued a cord cuff and instructed in its proper use, emphasizing the safety of both the Deputies and suspects.

### 305.3 DEFINITIONS

**CORD CUFF:** Nylon cord with a loop at one end and a snap hook attached to the other end.

**HOG TIE:** The disallowed technique of attaching the cord cuff to the suspect's feet and handcuffs.

### 305.4 PROCEDURES

Once the suspect is handcuffed behind his back, and it is determined he must be maximally restrained for his safety as well as the Deputy's, he/she will be temporarily placed in a prone position. A figure-four leg lock will be used on the suspect while the cord cuff is run under and around his/her waist to the middle of the back. The snap hook is pulled through the loop and pulled tight, above the individual's hips. A knot is made next to the loop to prevent the cord cuff from loosening. The excess in the cord cuff is brought back to the feet, which are bent toward the individual's buttocks. The cord is wrapped around the ankles until all the excess is used up and the snap hook is attached to the cord going up to the waist.

- (a) Once the suspect is maximally restrained, roll them onto their side and monitor consciousness and breathing.
- (b) Call for emergency medical assistance if the suspect is not at a recognizable level of consciousness, having difficulty breathing, convulsing, having a seizure, injured or complaining of pain.
- (c) Do not transport in a prone position. Suspects transported in a patrol car will be seat belted in.
- (d) Maximally restrained suspects shall not be left unattended.
- (e) The "hog tie" technique will not be used.
- (f) Deputies will notify their supervisor as soon as practical when the technique is used, as well as notifying jail and/or medical personnel.

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## *305 - Maximum Restraint*

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- (g) Deputies will note in their report that the maximum restraint was used.

## 307 - Defensive Tactics

### 307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a safe environment for sworn personnel to develop and practice efficient defensive tactics techniques. Defensive tactics training will be conducted by a Department instructor in a professional manner to promote safety and the proficient use of defensive tactics techniques, consistent with the Use of Force Policy.

### 307.2 DEFINITIONS

**USE OF FORCE PROGRAM MANAGER:** Lieutenant in charge of the Department Firearms and Defensive Tactics Training Program.

**DEFENSIVE TACTICS INSTRUCTOR:** Departmentally approved Defensive Tactics Instructor.

### 307.3 PROCEDURES

#### 307.31 QUALIFICATION REQUIREMENTS

Qualification requirements will be approved by the Use of Force Program Manager. The qualification requirements shall be recorded and forwarded with the range qualifications to Personnel Services.

#### 307.32 QUALIFICATIONS

Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with policy.

- (a) A Defensive Tactics Instructor will keep a record of all those who attend training.
- (b) All sworn personnel must qualify each quarter.
  - 1. First Quarter: January through March
  - 2. Second Quarter: April through June
  - 3. Third Quarter: July through September
  - 4. Fourth Quarter: October through December
- (c) Failure to comply with regulations governing defensive tactics qualifications (attendance and qualification) may result in disciplinary action.:
  - 1. Only the Sheriff, an Assistant Sheriff, or his designee, may exempt a member from the provisions mandated in this policy.
  - 2. If a member fails to attend at least one defensive tactics training during a quarter, the member shall attend the first training offered of the following quarter.

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## *307 - Defensive Tactics*

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- (d) Management is not required to attend.
- (e) If the Deputy fails to qualify after remediation, the Defensive Tactics Instructor shall immediately notify the Deputy's Assistant Sheriff or designee verbally, and shall prepare a memo to be sent via chain of command as soon as practical, for determination of action. A copy of the memo shall be placed in the Deputy's personnel file.



## 308 - Less Lethal Control Devices

### 308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to Deputies and suspects, the Department authorizes the use of selected less lethal control devices. Certain less lethal 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 less lethal control devices (i.e. baton, oleoresin capsicum spray, tear gas, kinetic energy projectiles and PepperBall projectiles).

#### **308.11 WHEN DEVICES MAY BE USED**

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

#### **308.12 APPROVED CONTROL DEVICES**

Only Department-approved control devices will be used.

#### **308.13 REPORT OF USE**

Except in training situations, all uses of less lethal control devices shall be documented in the related incident/arrest/crime report. Deputies shall verbally notify their supervisor as soon as practical after the use.

#### **308.14 POST DEPLOYMENT FORM**

- (a) Except in training situations, Deputies who use kinetic energy projectiles, PepperBall projectiles or the Taser shall complete the Department Post Deployment Form.
- (b) The Supervisor who reviews the crime report shall ensure consistency between the narrative and the Post Deployment Form.
- (c) The original Post Deployment Form shall be sent to the Use of Force Lieutenant. The Use of Force Lieutenant will send a copy to the Less Lethal Sergeant to review for training issues. The Less Lethal Sergeant shall destroy the copy after reviewing it.
- (d) The Use of Force Lieutenant shall send the original form to Personnel where it shall be stored in a Post Deployment Form file. Post Deployment Forms shall be purged after five years unless the case is known to be involved in criminal or civil proceedings.

### 308.2 IMPACT WEAPONS

Deputies shall carry only Department-approved impact weapons, and shall use only that amount of force that appears reasonable to effectively bring an incident under control, in accordance with the Use of Force policy. This policy provides Deputy Sheriffs a list of approved impact weapons they may carry in the performance of their duties.

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### **308.21 LEGAL AUTHORITY**

Penal Code § 12020 exempts peace officers from the regulations regarding the possession of certain weapons when on-duty, and the use is authorized by their agency and is within the course and scope of their duties.

### **308.22 APPROVED IMPACT WEAPONS**

- (a) Wooden, plastic, or metal straight police baton.
  - 1. Short billy (secondary or special assignment only).
  - 2. Patrol length 20" to 28".
  - 3. Crowd control length 30" to 44".
- (b) Wooden, plastic, or metal side handle police baton.
  - 1. 20" to 28".
- (c) Plastic or metal straight or side handle expandable police baton.
  - 1. Two piece or telescoping with expanded length of 20" to 28".
  - 2. Expandable batons of an expanded length of 16" to 20" may be approved for special assignments.
- (d) Issued flashlights:
  - 1. Flashlights will be used as an impact weapon per Department training.

### **308.23 AUTHORIZATION**

Any of the authorized impact weapons not issued by the Department must be from a reputable manufacturer and approved by the Department Defensive Tactics Coordinator prior to use.

### **308.24 TRAINING**

Deputies will be trained in the use of the approved impact weapons and must receive training prior to use. Use of the impact weapons will be in accordance with the Department's training and Use of Force policy.

### **308.3 TEAR GAS GUIDELINES**

The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The watch commander, incident commander or SWAT Team Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s). Where 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.

### **308.4 CHEMICAL AGENTS SPRAY GUIDELINES**

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to Deputies, citizens or offenders. They should be used only in situations where such force reasonably appears justified and necessary.

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### **308.41 CARRYING OF O.C. SPRAY**

Uniformed field personnel who exercise the option of carrying the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum 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 the Purchasing Department for exchange.

### **308.42 PEPPERBALL SYSTEMS**

PepperBall Projectiles are plastic spheres that are filled with oleoresin capsicum (OC) powder. A high-pressure air 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 face, eyes, neck, 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 the department's Use of Force policy.
- (b) Only qualified, department-trained personnel shall be allowed to deploy and use the PepperBall System.

### **308.43 TREATMENT FOR O.C. SPRAY EXPOSURE OR CHEMICAL AGENTS**

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel. Deputies shall inform medical and/or booking staff that the person has been subject to the use of chemical agents.

### **308.5 TASER GUIDELINES**

When properly applied in accordance with this policy, the Taser is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to deputies and suspects.

### **308.51 CARRYING THE TASER**

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

Deputies shall only use Tasers and cartridges that have been issued by the department. The Taser may be carried either as a part of a uniformed deputy's equipment in an approved holster or secured in the driver's compartment of the deputy's vehicle so that it is readily accessible at all times.

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- (a) If the Taser is carried as a part of a uniformed deputy's equipment, the Taser shall not be carried on the same side as the deputy's duty weapon.
- (b) All Taser devices shall be clearly and distinctly marked to differentiate them from the deputy's duty weapon and any other device.
- (c) Deputies shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times.
- (d) Deputies should never hold both a firearm and a Taser at the same time unless lethal force is justified.

### **308.52 VERBAL AND VISUAL WARNINGS**

Unless it would otherwise endanger deputy safety or is impractical due to circumstances, a verbal announcement of the intended use of the Taser shall precede the application of a Taser device in order to:

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

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

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

### **308.53 USE OF THE TASER**

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser. Although the Taser device rarely fails and is generally effective in subduing most individuals, deputies should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use a Taser device when circumstances known to the individual deputy at the time indicate that the application of the Taser is reasonable to subdue or control:

- (a) A violent or physically resisting subject, or
- (b) A potentially violent or physically resisting subject if:
  - 1. The subject has verbally or physically demonstrated an intention to resist; and
  - 2. The deputy has given the subject a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply; and

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3. Other available options reasonably appear ineffective or would present a greater danger to the deputy or subject.
- (c) Although not absolutely prohibited, deputies should give additional consideration to the unique circumstances involved prior to applying the Taser to any of the following individuals:
1. Pregnant females;
  2. Elderly individuals or obvious juveniles;
  3. Individuals who are handcuffed or otherwise restrained;
  4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material;
  5. Passively resisting subjects;
  6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles, etc.)

The Taser device shall not be used to torture, psychologically torment or inflict undue pain on any individual.

### **308.54 MULTIPLE APPLICATIONS OF THE TASER**

If, after a single application of the Taser, a deputy is still unable to gain compliance from an individual and circumstances allow, the deputy should consider whether or not the Taser device is making proper contact, the use of the Taser is limiting the ability of the individual to comply or if other options or tactics may be more appropriate. However, this shall not preclude any deputy from multiple, reasonable applications of the Taser on an individual.

### **308.55 REPORT OF USE**

All Taser discharges shall be documented in the related arrest/crime report and on the Taser Post Deployment report form. Accidental discharges of a Taser cartridge will also be documented on the Taser Post Deployment report form. Any report documenting the discharge of a Taser cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

### **308.56 MEDICAL TREATMENT**

Individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser darts and who are also suspected of being under the influence of a controlled substances and/or alcohol, should be closely monitored by the Deputy and, if necessary, also be examined by paramedics or other qualified medical personnel as soon as practicable.

When a person who has been subjected to the electric discharge of a Taser and/or struck by Taser darts is booked into jail, the Deputy will advise jail personnel that the Taser was used. In the absence of any prevailing medical condition, Detention medical staff, or other medical personnel, will remove the Taser darts and examine the impact sites. Used Taser darts shall be considered a sharp biohazard, similar to a used hypodermic needle, and disposed of accordingly.

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### 308.6 KINETIC ENERGY PROJECTILES

This Department is committed to reducing the potential for violent confrontations with the suspects we encounter. Less lethal force technology and equipment are those items, which when used properly, are less likely to result in death or serious physical injury.

Less lethal technology includes several types of kinetic energy projectiles, approved by the Department, that fire from 12 gauge shotguns, 37 mm or 40 mm launchers. Less lethal munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

Kinetic energy impact weapons are restricted to trained members of the SWAT Team, Tactical Team and Court Security.

#### **308.61 DEPLOYMENT**

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

Deputies are not required or compelled to use less lethal munitions in lieu of other reasonable tactics if the involved Deputy(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent third party citizens, and Deputies, takes priority over the safety of subjects engaged in criminal or suicidal behavior.

#### **308.62 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 less lethal munitions,
- (b) has made credible threats to harm himself or others,
- (c) is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at citizens and/or Deputies.

#### **308.63 DEPLOYMENT CONSIDERATIONS**

Before discharging less lethal projectiles, the Deputy should consider the following factors:

- (a) Severity of the crime or incident,
- (b) Subject's capability to pose an immediate threat to the safety of Deputies or others,
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight,
- (d) The credibility of the subject's threat as evaluated by the Deputy's present, & physical capacity/capability,
- (e) The proximity of weapons available to the subject,
- (f) The Deputy's versus the subject's physical factors (i.e., age, size relative strength, skill level, injury/exhaustion, the number of Deputy(s) versus subject(s),
- (g) The availability of other force options and their possible effectiveness,
- (h) Distance and angle to target,

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- (i) Type of munitions employed,
- (j) Type and thickness of subject's clothing,
- (k) The subject's actions dictate the need for an immediate response and the use of less lethal munitions appears appropriate.
- (l) The availability of a cover Deputy to provide lethal force if necessary.

### **308.64 DEPLOYMENT DISTANCES**

Deputies will keep in mind the manufacturer's recommendations regarding deployment when using less lethal munitions, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated based on the totality of circumstances at the time of deployment.

In cases where the use of deadly force is justified or immediate incapacitation must be accomplished to prevent death or serious injury, Deputies are authorized to consider close range or extended range shots.

### **308.65 SHOT PLACEMENT**

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

### **308.66 TRANSITIONAL LOADING PROCEDURES**

Absent compelling circumstances, Deputy's transitioning from conventional ammunition to less lethal ammunition will employ the "two person rule" for loading. The "two person rule" is a safety measure obtained by having a second Deputy watch the loading process. This is to ensure that the weapon is completely emptied of conventional ammunition and that less lethal munitions only are loaded into the weapon. This is to ensure that conventional munitions are not loaded by mistake.

### **308.7 TRAINING REQUIRED FOR USE**

Personnel who have successfully completed an approved departmental training course shall be authorized to use less lethal projectiles.

Deputies assigned to the SWAT Team or Tactical Team, who have completed a departmental training course, may carry and employ Department-approved less lethal projectiles while performing Special Weapons and Tactics or Tactical Team missions, or patrol duties pursuant to this policy.

### **308.8 LESS LETHAL SERGEANT RESPONSIBILITIES**

The Lieutenant in charge of the use of force specialty shall monitor the use of less lethal control devices.

All damaged, inoperative and/or expended less lethal control devices shall be returned to the Less Lethal Sergeant or his/her designee for disposition, repair or replacement.

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

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## *308 - Less Lethal Control Devices*

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### 308.9 REQUEST FOR USE OF LESS LETHAL CONTROL DEVICES

The request for a less lethal device to be used should be made through the on-duty watch commander. The shift supervisor or the Watch Commander may authorize the use of a less lethal control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training.

### **308.91 MEDICAL TREATMENT**

Once a person has been struck with a kinetic energy impact projectile, the person shall be provided first aid, if necessary, and then transported to the hospital for medical clearance.

### **308.92 EVIDENCE COLLECTION**

- (a) Photographs shall be taken of the person who was struck by the kinetic energy impact projectile. The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The film shall be booked into evidence.
- (b) Except in training situations, any projectile delivered through a kinetic energy impact weapon shall be collected and booked into evidence. If the projectile cannot be located, the deploying Deputy will document the efforts taken to locate the projectile.



## 312 - Authorized Firearms

### 312.1 PURPOSE AND SCOPE

Deputies may only carry and use firearms while on duty that are safe, well-maintained, have been authorized and approved by the Department, and with which the Deputies have properly qualified.

#### 312.11 DEFINITIONS

**FIREARM:** A weapon from which a projectile is discharged by gunpowder.

**FIREARMS PROGRAM MANAGER:** Lieutenant in charge of the Department Firearms Training Program.

**DEPARTMENT ARMORER:** Departmentally approved armorer/gunsmith.

**PRIMARY SIDEARM:** The main firearm used by Deputies in the performance of their duties.

**CALIBER:** The diameter of the bullet or size as designated by the firearm or ammunition manufacturer.

**SECONDARY FIREARM:** Departmentally approved additional firearm.

**INVENTORY CONTROL:** The process by which all Department firearms are logged into and out of databases maintained by both the Personnel Bureau and the Department of Justice.

### 312.2 AUTHORIZED FIREARMS

#### 312.21 COUNTY ISSUE

Upon request, all sworn personnel are entitled to receive a handgun (sidearm) furnished by the Department (a Glock Model 22, 40 caliber semi-automatic pistol, subject to availability). Once issued, this handgun shall be carried as a primary sidearm.

#### 312.22 OPTIONAL PRIMARY WEAPONS

Deputies may carry an optional handgun (sidearm) other than that issued by the Department, provided that the firearm falls within the criteria set forth below, and the Firearms Program Manager and the Deputy's Assistant Sheriff have authorized such optional sidearm in writing.

- (a) All optional sidearms, related equipment and ammunition shall be provided by the employee. Ammunition shall be new, commercially manufactured (no reloads) ball or hollow point design.
- (b) Optional Primary Handgun (Sidearm) Criteria

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1. Revolvers:
  - (a) Double action only
  - (b) Smith & Wesson, Colt, or Ruger
  - (c) Other brands approved on a case-by-case basis by the Firearm Program Manager and the Assistant Sheriff
  - (d) .38 Special caliber or larger
  - (e) 3 1/2" to 6 1/2" barrel for uniformed personnel
  - (f) 2" to 6 1/2" barrel for non-uniformed law enforcement personnel.
  
2. Semi Automatic Pistol Criteria
  - (a) Double action type:
    1. Glock, Smith & Wesson, Browning, Heckler & Koch, Beretta, Sigarms and similar designs.
    2. Firearms of similar design may be approved on a case-by-case basis by the Firearms Program Manager, and the Assistant Sheriff.
    3. Each shall be equipped with a decocking lever and firing pin block.
    4. If not equipped with a decocking lever, it shall be of a design that returns the firing device(s) (firing pin, striker, hammer, etc.) to a safe position after firing.
  
  - (b) Single Action Semi-Automatic Criteria
    1. Colt, Kimber and Springfield Armory 1911 models.
    2. Firearms of similar design may be approved on a case-by-case basis by the Firearms Program Manager.
  
  - (c) Allowable Calibers: semi-automatics shall be at least 9mm caliber, but not larger than .45 caliber.
  
  - (d) Barrel Length shall be at least 3", not to exceed 6 1/2".

### **312.23 SECONDARY HANDGUNS**

Deputies may carry Department-issued handguns or may carry privately-owned handguns upon receipt of written approval of the Firearms Program Manager or designee as a secondary handgun, subject to the following criteria.

- (a) The handgun must be .380 ACP caliber or larger, and may be a semi-automatic or revolver, with the following exception. If a member intends to carry a secondary handgun of a smaller caliber, then it is the responsibility of that member to qualify with that weapon at an approved course beforehand. No overtime shall be paid for the time any member spends in qualifying with such a secondary handgun.

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- (b) Deputies shall be required to have successfully completed a Department-approved qualification course (with the particular handgun) prior to receiving authorization to carry it on duty, and must qualify with it at least annually.
- (c) Authorization to carry privately-owned handguns shall be provided in writing, and a copy shall be placed in the Deputy's personnel file prior to on-duty use of the firearm.
- (d) The secondary handgun shall not be visible to the public unless the Deputy is using it.

### **312.24 HOLSTERS FOR PRIMARY SIDEARMS AND SECURITY**

All types of holsters Deputies use to carry their firearms while on duty must be approved by the Firearms Program Manager or designee. Deputies shall keep their firearms secured or under their direct control at all times while on duty or at their workstations.

### **312.25 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement Deputies flying armed on commercial aircraft. Here are the guidelines that will directly affect our agency and personnel:

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes; and
- (b) Deputies must carry their department identification card and California drivers license. Additionally, Deputy(s) when requested must present their identification to airline officials; and
- (c) An official letter signed by the Sheriff, or his designee, authorizing armed travel must accompany the Deputy(s). The letter must outline the Deputy's necessity to fly armed, must detail his/her itinerary, and should include that the Deputy(s) has completed the mandatory TSA training for law enforcement Deputy(s) flying while armed; and
- (d) Deputy(s) must have completed the now mandated TSA security training, covering Deputies flying while armed. The training shall be given by the department appointed instructor; and
- (e) It is the Deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter; and
- (f) Discretion must be used to avoid alarming passengers or crew by displaying your firearm. The firearm must be kept on your person concealed at all times, and may not be stored in an overhead compartment; and
- (g) Never surrender your firearm to anyone. Resolve any problems with a management representative of the air carrier, which may include the flight Captain and/or ground security manager; and
- (h) No armed Deputy may consume any alcoholic beverage while aboard an aircraft, or eight hours prior to boarding an aircraft.
- (i) This section does not apply to members who choose to include an unloaded firearm in the checked baggage. All applicable regulations shall be followed.

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## 312 - Authorized Firearms

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### 312.3 RIFLES

Deputies may be authorized to carry a Department-issued rifle, or may carry a privately-owned rifle upon receipt of the written approval of the Firearms Program Manager or designee. Deputies shall be required to have successfully completed a Department-approved qualification course (with that firearm) prior to carrying a rifle.

#### 312.31 TYPES OF RIFLES

- (a) The following rifles are approved for on-duty use: Colt or Bushmaster AR-15 rifles or their derivatives; Ruger Mini-14; HK Model 91 and 93; and Springfield Armory M1A.
- (b) Other similar rifles may be approved by the Firearms Program Manager on a case-by-case basis.
- (c) Authorized calibers are: 223 Remington or 308 Winchester.

#### 312.32 OPTIONAL RIFLES

- (a) If the Department has authorized a Deputy to carry an optional (privately-owned) rifle, then the Deputy is not entitled to any compensation for the purchase or for maintenance of the rifle, ammunition, or related equipment.
- (b) The responsibility of the Department for loss of or damage to a Deputy's (privately-owned) optional rifle shall be limited to the replacement value of a Departmentally-owned patrol rifle.

#### 312.33 AMMUNITION

- (a) As a condition to carrying a rifle on duty, each Deputy must qualify with a rifle using the type of ammunition that they carry on-duty.
- (b) Ammunition will be limited to new, commercial, sporting-type and must be approved by the Firearms Program Manager.

#### 312.34 CARRYING

- (a) Rifles may be carried in locking gun racks in vehicles so equipped, but not in the place of shotguns. Rifles carried in vehicle trunks shall be stored in hard or soft gun cases.
- (b) Rifles may be carried in vehicles with the loaded magazine inserted in the rifle; the bolt shall be closed and chamber empty.
- (c) Other than in tactical situations, rifles shall be carried through the workstation, or to and from the Deputy's work vehicle, in the following manner:
  - 1. In a hard or soft gun case, chamber empty, bolt closed (loaded magazine may be inserted); or
  - 2. If not in a case, then with the muzzle up and unloaded with the bolt open (empty chamber and no magazine inserted); or
  - 3. Carried on the shoulder by the weapon sling, muzzle up or down, unloaded with the bolt open (empty chamber and no magazine inserted).

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### 312.4 SHOTGUNS

Deputies and sergeants shall be issued a Department shotgun, or may carry a Department approved personal shotgun upon receipt of the written approval of the Firearms Program Manager or designee. Deputies and sergeants who are assigned to Court Security or Transportation, other than temporary rotations, and Department Managers may be exempt from this section. All Sworn members must still qualify quarterly using their assigned shotgun or a Department pool shotgun if they do not have an assigned shot gun.

#### **312.41 TYPES OF SHOTGUNS**

The Department-authorized shotgun is the Remington brand, model 870, 12 gauge, or other Departmentally-approved shotgun, issued by the Department. The only privately-owned shotgun approved for use by Deputies is a right hand, model 870, Remington Brand, 12 gauge shotgun.

#### **312.42 OPTIONAL SHOTGUNS**

- (a) If the Department has authorized a Deputy to carry an optional (privately-owned) shotgun, then the Deputy is not entitled to any compensation for the purchase or for maintenance of the shotgun, ammunition, or related equipment.
- (b) The responsibility of the Department for loss of or damage to a Deputy's (privately-owned) optional shotgun shall be limited to the replacement value of a departmentally-owned patrol shotgun.

#### **312.43 CARRYING: SHOTGUNS SHALL BE CARRIED AS FOLLOWS:**

- (a) Shotguns shall be carried in the front passenger compartment of patrol vehicles in the locking gun rack. Shotguns in vehicles shall be carried with the hammer down on an empty chamber and four rounds of duty ammunition in the magazine.
- (b) Other than in tactical situations, shotguns shall be carried through the workstation, or to and from a Deputy's work vehicle, in the following manner:
  - 1. In a gun case with an empty chamber, action closed, and magazine loaded or empty; or
  - 2. If not in a case, then with the muzzle up and unloaded with the action open (empty chamber and magazine); or
  - 3. Carried on the shoulder by the weapon sling, muzzle up or down, unloaded with the action open (empty chamber and magazine).

### 312.5 OFF-DUTY WEAPONS

The Department does **not** mandate the carrying of weapons while off duty, but it is encouraged.

### 312.6 SPECIALIZED DUTIES

Certain specialized duties may, at times, necessitate the carrying of a different type of firearm. The Law Enforcement Assistant Sheriff may authorize another type for particular situations or assignments.

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### 312.7 DEPARTMENT ARMORY

- (a) The Department Armory has a workstation for Department Armorer's to service weapons.
- (b) Use of the Armory workstation is restricted to Department Armorer's or others with specific authorization of the Firearms Program Manager or designee.
- (c) Before using the Armory workstation, the member shall ensure that the firearm is unloaded.
- (d) Proper eye protections shall be worn when working with liquid chemicals in the Armory.

### 312.71 LOADING, MAINTENANCE, CARE AND INSPECTION OF FIREARMS

- (a) Department members shall keep their duty firearms clean and maintained in proper working order.
- (b) If available, members shall use safety barrels to load, unload, and check firearms.
- (c) Department issue firearms shall be inspected by Department Armorer's when reasonably necessary. It is the responsibility of each Deputy to contact one of the Armorer's for this service. Each firearm delivered to the Armorer for inspection shall be clean and unloaded.
- (d) Department Armorer's shall maintain written records of all inspections. Armorer's shall notify the Firearms Sergeant of any weapon showing signs of neglect.
- (e) All firearms used in the performance of the Deputy's duties are subject to inspection at any time by the Departmental Armorer, Firearms Instructor, or the Deputy's supervisors. Upon request, the Deputy shall make all firearms within their control available for such inspection.
- (f) Any firearm found showing signs of neglect or damage shall be taken out of service until the condition is rectified to the satisfaction of the Firearms Program Manager.

### 312.8 ALTERATIONS TO FIREARMS

- (a) No alteration shall be made to any firearm that changes it from factory-standard condition without the prior approval of the Firearms Program Manager or express designee. The Firearms Program Manager shall consider each request for alteration on a case-by-case basis.
- (b) After receipt of approval to alter a firearm, a Deputy may alter the firearm according to the approved specifications.
- (c) No altered firearm shall be used on duty unless and until a Department-employed Armorer has inspected and approved the firearm, evidence of which shall be maintained by that Armorer in writing for as long as the altered firearm is in use.
- (d) Optical Sights for Rifles: Specific non-magnifying optical sights are approved for patrol rifles. The Firearms Sergeant shall maintain a list of approved non-magnifying optical sights. The Firearms Program Manager, or designee, will consider low power magnifying optical sights on a case-by-case basis. A Department-employed Armorer

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shall inspect the installation of all optical sights to ensure they are properly mounted. The inspection shall be recorded in that Armorer's records and maintained while the firearm is in use. Deputies shall qualify with optical sights prior to on duty use.

### **312.81 LASER SIGHTS**

- (a) Laser sights may only be installed on a weapon carried on duty after they have been examined and approved by a Department Armorer.
- (b) Any approved laser sight shall be installed only pursuant to manufacturer specifications.
- (c) 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, 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.

### **312.82 STORAGE OF DEPARTMENT-ISSUED FIREARMS WHILE OFF DUTY**

- (a) Storage of Handguns - While Deputies are off duty, they shall store their Department-issued firearms in the following manner:
  - 1. Handguns shall be stored as required by law; and
  - 2. Deputies shall take all reasonable and prudent steps to ensure that their handguns are secure from unauthorized persons at all times.
- (b) Storage of Rifles and Shotguns - While Deputies are off duty, they shall store their Department-issued rifles and shotguns in their lockers, or a designated secured area at the Deputies' assigned work stations, except under the following conditions:
  - 1. Assigned vehicles: Deputies who have assigned vehicles may store rifles or shotguns in the locked trunk or vehicle Electrolock if so equipped; and
  - 2. Deputy's residence: Deputies are discouraged from storing Department-issued rifles or shotguns at their residence. If a Deputy chooses to store a rifle or shotgun at their residence, then it must be securely locked in a gun safe or similar secure, theft resistant device.

### **312.83 INVENTORY OF ALL FIREARMS PURCHASED / OWNED BY THE SHERIFF'S DEPARTMENT**

- (a) A detailed inventory of all Department firearms (including those used for less than lethal techniques) is required for the purpose of ensuring accountability and inventory control.
- (b) When an order is placed for the purchase of a firearm, the Sheriff's Purchasing Unit shall forward a copy of the approved firearms requisition to the Personnel Bureau.

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- (c) The Sheriff's Purchasing Unit shall notify the Personnel Bureau immediately upon receipt of a new firearm, and shall obtain approval from the Personnel Bureau Lieutenant prior to releasing a new firearm to a Deputy.
- (d) The Sheriff's Personnel Bureau shall document the receipt of all firearms purchased or acquired by the Sheriff's Department into the Sheriff Department's firearms database and into the DOJ firearms system.
- (e) When any firearm is taken out of service and marked for destruction, the employee making this decision shall notify the Personnel Bureau Lieutenant via email so the firearm can be taken out of the databases.
- (f) If possession and ownership of a firearm is transferred to the Sheriff's Department (through court order, donation, or other means), then such transfer shall be noted in the DOJ firearms database, if applicable. The Firearms Program Manager shall determine if the firearm shall be retained by the Department or destroyed. If retained, approval by the Law Enforcement Division Assistant Sheriff shall be required, the Personnel Bureau Lieutenant shall be notified, and the firearm shall be entered into the Sheriff Department's firearms database. All other such firearms shall be destroyed.
- (g) Supervisors shall notify the Personnel Bureau Lieutenant by e-mail when a firearm is transferred between Bureaus or Units, e.g., guns assigned to the Detective Bureau, from SWAT to Tactical Team etc.
- (h) The Personnel Bureau shall conduct an audit of all Department owned firearms in May of each fiscal year. The Deputy's Manager or Supervisor shall visually inspect each firearm during this inventory and report the findings to the Personnel Bureau as instructed.

### **312.84 CARRYING FIREARMS OUT OF STATE**

Pursuant to 18 USC 926B, full time sworn Deputies and qualified retired Deputies (See: Policy Manual & 220) of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions:

- (a) The Deputy shall carry his/her Department identification whenever carrying such weapon.
- (b) The Deputy 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.
- (c) The Deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Deputies are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks. States may also restrict specific ammunition (e.g. hollow point bullets).

### **312.85 OUT OF STATE PEACE OFFICERS IN CALIFORNIA**

Pursuant to 18 USC 926C, any full time or retired out of state peace officer is authorized to carry a concealed firearm in California subject to the following conditions:

- (a) The Deputy shall have in his/her possession a photographic identification from the issuing law enforcement agency which indicates that the Deputy has met the state's



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training and qualification standards within not less than one year prior to the date of issuance.

- (b) The Deputy 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.

### 312.9 FIREARMS QUALIFICATION

#### **312.91 QUALIFICATION REQUIREMENTS**

Qualification requirements will be approved by the Firearms Program Manager or his designee. The qualification and training records shall be forwarded to Personnel Bureau, Training Unit.

#### **312.92 QUALIFICATION PROCEDURES**

Assistant Sheriffs or their designees are required to ensure that all sworn personnel under their command qualify in accordance with policy.

- (a) A Rangemaster will keep a record of all members who attend trainings.
- (b) All sworn personnel must qualify each quarter with their duty sidearm and shotgun, as follows:
  - 1. First Quarter: January through March
  - 2. Second Quarter: April through June
  - 3. Third Quarter: July through September
  - 4. Fourth Quarter: October through December
- (c) Failure to comply with regulations governing firearms training with their duty sidearm and shotgun (attendance and qualification) may result disciplinary action:
- (d) All sworn members authorized to carry a rifle must qualify with it twice per year.
- (e) All sworn members who have Department approval to carry a secondary (back- up) firearm must qualify with that firearm on a Department-approved course once per year.
- (f) If a Deputy fails to qualify within any given quarter, the Rangemaster shall attempt to remediate the deputy. If a Deputy fails to qualify after remediation, the Rangemaster shall contact the Deputy's supervisor as soon as possible and advise them of the deputy's failure to qualify. The Firearms Sergeant and Firearms Program Manager shall be notified as soon as practical.
  - 1. The Rangemaster shall document the failure to qualify, and subsequent remediation attempts, in a memorandum which shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
  - 2. The Firearms Sergeant, or his designee, shall arrange for further remediation as soon as practical, preferably the next day. The results of the remediation shall be forwarded to the Firearms Sergeant and Firearms Program Manager.

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- (g) Only the Sheriff, an Assistant Sheriff, or their designees, may exempt a member from the provisions mandated in this policy.

## 314 - Vehicle Pursuit Policy

### 314.1 PURPOSE AND SCOPE

Pursuits of suspected or known violators of the law expose innocent citizens, Deputies and fleeing violators to serious injury or death. The primary purpose of this policy is to provide Deputies 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 and minimize the potential for pursuit-related accidents. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of innocent motorists and Deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. Vehicular pursuits require Deputies to exhibit a high degree of common sense and sound judgment. 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 our policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations 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.

#### **314.11 DEPUTY PURSUIT DEFINED**

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

#### **314.12 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 at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

### 314.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this Department that in motor vehicle pursuits, Deputies shall use patrol vehicle red lights and shall sound sirens when reasonably necessary as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide Deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

#### **314.21 WHEN TO INITIATE A PURSUIT**

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

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

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others
- (c) Apparent nature of the fleeing suspect(s) (e.g. whether the suspect(s) represent a serious threat to public safety)
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors
- (f) Pursuing deputy(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing deputies under the conditions of the pursuit
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit
- (i) Vehicle speeds
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages)
- (k) Availability of other resources such as helicopter assistance
- (l) The police vehicle is carrying passengers other than sworn personnel (a pursuit should not be undertaken with a prisoner(s) in the police vehicle)

### **314.22 WHEN TO TERMINATE A PURSUIT**

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

The factors listed in §314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

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- (a) Distance between the pursuing deputies and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- (b) Pursued vehicle's location is no longer definitely known
- (c) Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- (e) Hazards to uninvolved bystanders or motorists
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, Deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time; and
- (g) When directed by a supervisor

### **314.23 SPEED LIMITS**

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

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

- (a) Are the pursuit speeds unsafe for the surrounding conditions?
- (b) Are the speeds being reached beyond the driving ability of the Deputy?
- (c) Are the speeds beyond the capabilities of the police vehicle thus, making its operation unsafe?

### **314.3 PURSUIT UNITS**

Pursuit units should be limited to three (3) vehicles; however, the number of units involved will vary with the circumstances. A Deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of Deputies involved would be insufficient to safely arrest the suspect(s). All other Deputies should stay out of the pursuit, but should remain alert to its progress and location. Any Deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

### **314.31 MOTORCYCLE DEPUTIES**

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a law enforcement motorcycle as primary and/or secondary pursuit unit as soon as practical.

### **314.32 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Deputy(s) in such vehicles, however, may become involved in

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emergency activities involving serious crimes or life threatening situations. Those Deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency law enforcement vehicles or any law enforcement helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to Deputies using vehicles without emergency equipment.

### **314.33 PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the Deputy initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

The Deputy initiating the pursuit shall notify Dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit
- (b) Location and direction of travel
- (c) Speed of the fleeing vehicle
- (d) Description of the fleeing vehicle and license number, if known
- (e) Number of known occupants
- (f) The identity or description of the known occupants
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards

Unless relieved by a supervisor, the Deputy in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless practical circumstances indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

### **314.34 SECONDARY UNIT(S) RESPONSIBILITIES**

The second Deputy in the pursuit is responsible for the following:

- (a) Immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary Deputy, or if the primary unit is unable to continue the pursuit.
- (c) Be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

### **314.35 PURSUIT DRIVING TACTICS**

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

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- (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) As a general rule, Deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway
  - 3. Requesting other units to observe exits available to the suspect(s)
- (c) Notifying the California Highway Patrol and/or other jurisdictional agency
- (d) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

### **314.36 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

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 (e.g., positioned for deployment of spike strips).

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

### **314.37 PURSUIT TRAILING**

In the event that 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 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.

### **314.38 AIRCRAFT ASSISTANCE**

When access to aircraft assistance is available, it should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide Deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the

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pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

### 314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving Deputies.

The field supervisor of the Deputy initiating the pursuit, or if unavailable, the nearest field supervisor shall identify himself on the air and shall monitor the pursuit. Such supervisor shall remain in charge until the pursuit has ended, unless control is relinquished to another supervisor. That supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, advise Dispatch on the radio that you are aware of the pursuit; then immediately ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision
- (c) Exercising management and control of the pursuit even if not engaged in it
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy
- (e) Directing that the pursuit be terminated if, in his or her judgment, it is unjustified to continue the pursuit under the guidelines of this policy
- (f) Ensuring that aircraft are requested if available
- (g) Ensuring that the proper radio channel is being used
- (h) Control and manage sheriff's units when a pursuit enters another jurisdiction
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes

### **314.41 WATCH COMMANDER RESPONSIBILITY**

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

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

### 314.5 COMMUNICATIONS

If the pursuit is confined within the County limits of this County, 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 County, or such is imminent, involved units should, whenever available, switch radio communications to the countywide emergency channel.

### **314.51 DISPATCH BUREAU RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, Dispatch will:



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- (a) Coordinate pursuit communications of the involved units and personnel.
- (b) Notify and coordinate with other involved or affected agencies as practical.
- (c) Initiate Code 33.
- (d) Ensure that a field supervisor is notified of the pursuit.
- (e) Dispatch the helicopter unit.
- (f) Assign an incident number and log all pursuit activities.
- (g) Broadcast pursuit updates as well as other pertinent information as necessary.
- (h) Notify the Watch Commander as soon as practical.

### **314.52 LOSS OF PURSUED VEHICLE**

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

### 314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary Deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

### **314.61 PURSUITS EXTENDING INTO THIS DEPARTMENT'S JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this department's jurisdiction, the supervisor should consider the following factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing Deputies

As soon as practical, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

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This department's assistance to a pursuing agency will terminate at the County limits provided that the pursuing Deputies have sufficient assistance from other sources. Ongoing participation from this Department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within the jurisdiction of the Sonoma County Sheriff's Department, Deputies shall provide appropriate assistance to officers from the other agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### 314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology or maneuvers, such as road spikes, road blocks, PIT, or other similar Department-approved methods. Department assigned vans, SUVs and pickup trucks shall not be used to attempt PIT maneuvers.

#### 314.71 DEFINITIONS

**Boxing In** - A technique designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. As with all intervention techniques, pursuing Deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to Deputies, the public and occupants of the pursued vehicle.

**PIT** - Acronym for "Pursuit Intervention Technique," which is a low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

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

**Road Block** - A technique designed to stop a suspect's vehicle by intentionally placing one or more emergency vehicles or other movable object in the path of the suspect's vehicle. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, Deputies or other members of the public.

**Road Spikes** - Also called the Stinger Spike System, this is a device that extends across the roadway and is designed to puncture the tires of a pursued vehicle. The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to Deputies, the public and occupants of the pursued vehicle.

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### **314.72 AUTHORIZED USE**

When possible, use of pursuit intervention tactics shall be employed only after approval of a Supervisor has been obtained. In determining whether to employ such tactics, Deputies and their Supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the Deputies, and the persons in or on the pursued vehicle. Each decision to employ a pursuit intervention tactic must be reasonable in light of the circumstances confronting the Deputies at the time.

- (a) When deploying a pursuit intervention tactic, at least one of the following factors should be present:
  - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
  - 2. The suspect is driving in willful or wanton disregard for the safety of persons, or is driving in a reckless and life-endangering manner.
- (b) If there does not reasonably appear to be a present or immediately foreseeable serious threat to society, the use of pursuit intervention tactics is not authorized.
- (c) Intervention tactics are considered a use of force subject to the provisions of that policy. Certain applications of intervention tactics may also be construed to be a use of deadly force and subject to the requirement for such use.

### **314.73 USE OF SPECIFIC TACTICS**

Deputies' use of a specific pursuit intervention tactic shall be guided by the following considerations. If practicable, Deputies should exhaust all other less-risky measures before employing a tactic that may cause a risk of serious damage or injury. Further, deployment should be made in a location that can afford the maximum degree of safety to uninvolved persons as circumstances will allow.

- (a) Use of Boxing-in, PIT, Ramming, and Road blocks: Use of these intervention techniques may be employed after consideration of all available factors, and must be reasonable and appropriate under the circumstances.
- (b) Use of road spikes (Stinger Spike System): Before using road spikes, the deploying Deputy must coordinate with pursuing vehicles, to prevent patrol cars from driving over the spikes. After the pursuing vehicle passes over the spike system, the Deputy shall immediately remove it from the roadway.
  - 1. Road spikes shall not be deployed to stop two-wheeled vehicles (based on the increased risk of injury to the driver/passenger) unless the violation is a felony involving the threat of bodily injury, or a felonious injury has occurred;
  - 2. The Deputy deploying the road spikes should not attempt to overtake and pass a high speed pursuit in order to position the spike strip.
  - 3. Road spikes should be deployed in locations that can afford the maximum degree of safety to the Deputy, the suspect, and uninvolved parties. Road spikes should not be used in locations where geographic configurations increase the risk of injury to the suspect (e.g., on roadways bounded by steep descending embankments, curves, or any location where there is an identifiable risk to the safety of proceeding or opposing traffic).

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- (e) Pursuing a Wrong-Way Vehicle: Deputies should refrain from entering a roadway in the wrong direction when chasing a wrong-way vehicle. Instead, the Deputy should call for available units who may stop traffic ahead approaching the path of a wrong-way driver.
- (f) Use of Firearms: Generally, firearms should not be used to disable a pursued vehicle, based on the corresponding dangers involved in discharging a firearm. Accordingly, Deputies should not use firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this Manual shall be construed to prohibit any Deputy from using a firearm to stop a suspect from using his vehicle as a deadly weapon.

### **314.74 TRAINING REQUIREMENT**

Deputies may employ a particular pursuit intervention tactic only if they have been trained in the proper use of such tactic.

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to Deputies and others. Vehicle Code § 17004.7(d).

### **314.75 CAPTURE OF SUSPECTS**

Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

### **314.8 REPORTING REQUIREMENTS**

The following reports should be completed to comply with appropriate local and state regulations:

- (a) The primary Deputy shall complete appropriate crime/arrest reports.
- (b) Pursuant to Vehicle Code & 14602(b), the supervisor shall complete a Pursuit Report to be reviewed by the Watch Commander and filed with the CHP either electronically or on paper not later than thirty (30) days after the pursuit. This Pursuit Report shall minimally contain the following information:
  - 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the Deputies involved
  - 2. The violation(s) that caused the pursuit to be initiated
  - 3. The identity of the Deputies involved in the pursuit
  - 4. The means or methods used to stop the suspect being pursued
  - 5. All charges filed with the court by the district attorney
  - 6. The conditions of the pursuit, including, but not limited to, all of the following:
    - (a) Duration;
    - (b) Mileage;

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- (c) Number of Deputies involved;
  - (d) Maximum number of units involved;
  - (e) Time of day;
  - (f) Weather conditions;
  - (g) Maximum speeds.
- 7. Whether the pursuit resulted in a collision and resulting injuries or fatality to an uninvolved third party, and the corresponding number of persons involved
  - 8. Whether the pursuit involved multiple agencies
  - 9. How the pursuit was terminated
- (c) A field supervisor shall complete a memo summarizing the pursuit to his or her department manager to evaluate the pursuit in terms of Department policy. The memo shall contain, at a minimum, the following information:
- 1. Supervisor's location and approximate time after the pursuit was initiated that he/she identified themselves on the air and took responsibility for the pursuit
  - 2. What was the reason for the pursuit?
  - 3. What were the conditions of the pursuit, (e.g., traffic condition(s), time of day, vehicle speed(s), number of Deputies involved and number of Sheriff's vehicles involved)?
  - 4. During the pursuit, did the actions of the involved Deputies conform to Department policy?
  - 5. Were there any exceptions to the policy? If so, what were they and why did they occur?
  - 6. Was any action taken against the suspect vehicle (e.g., intervention or roadblock)? If so, what circumstances necessitated this action?
  - 7. Note any injury or damage as a result of the pursuit.
  - 8. If personnel or vehicles from other agencies assisted in the pursuit, how many personnel and vehicles responded and what role(s) did the assisting agencies have in the pursuit?
  - 9. Based on the information compiled for this report, did the reporting supervisors find the pursuit was handled properly or should it have been handled differently? Briefly justify this finding. Determine the need for any additional review and/or follow up.
- (d) Copies of the incident report, CHP Form 187, and the supervisor's memo shall be forwarded to the on-duty Watch Commander for review and recommendations. Such documents and information shall then be provided to the Patrol Captain for review, recommendations, and action, if necessary. When complete, this packet shall be forwarded to the Personnel Bureau

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- (e) Within a reasonable period of time the supervisor will critique the pursuit with the Deputies involved and members of the shift.
- (f) If the Department is a secondary agency in the pursuit, Deputies should write reports regarding the pursuit if they were substantially involved or witnessed a critical incident.
- (g) At the conclusion of a high speed pursuit where hard braking was involved, Deputies shall prepare a request for vehicle check.

### **314.9 POLICY REVIEW**

Each member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

### **314.91 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY**

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the 1995 P.O.S.T. Vehicle Pursuit Guidelines, the Sonoma County Protocol.

## 316 - Response to Calls

### 316.1 PURPOSE AND SCOPE

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

### 316.2 RESPONSE TO CALLS

Deputies responding "Code 3" shall consider the call an emergency response and proceed immediately. Deputies responding "Code 3" shall operate a steady forward facing red light and 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.

### 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 Dispatch.

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

- (a) The unit number;
- (b) The location;
- (c) The reason for the request and type of emergency;
- (d) The number of units required.

### 316.4 DISPATCH RESPONSIBILITIES

The Dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Notify the field supervisor.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.

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- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or Field Supervisor.

### 316.5 INITIATING CODE 3 RESPONSE

The decision of whether or not to respond Code 3 rests with the Deputy. The Deputy must critically weigh the need for such action against the resulting safety hazards. This is based upon the conditions present at that time, the need for urgency in responding, and the safety of other persons on the roadways. Final responsibility rests with the Deputy for the consequences of this decision. Upon determining a Code 3 response is appropriate, a Deputy shall immediately give the location from which he/she is responding.

### 316.6 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 shall be continuously evaluated by the Deputy; Code 3 response shall be discontinued when the need for such level of response no longer exists. 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 Dispatch. A Deputy shall also discontinue the Code 3 response when directed by a Supervisor.

### 316.7 SUPERVISOR RESPONSIBILITIES

When practical, the supervisor will monitor the response to ensure a proper response and the proper utilization of resources.

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

### 316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment or the equipment necessary to operate the vehicle safely should fail to operate, the Deputy must terminate the "Code 3" response and respond accordingly. In all cases, the Deputy shall notify the Watch Commander, Field Supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.



## 318 - Police Service Dog Program

### 318.1 PURPOSE AND SCOPE

The Police Service Dog Program was established to augment police services to the community. Police Service Dogs are used to supplement police operations to locate and apprehend criminal offenders.

### 318.2 GUIDELINES FOR THE USE OF POLICE SERVICE DOGS

A police service dog may be used to locate and apprehend a suspect if the police service dog 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 immediate threat of violence or serious harm to the public, any deputy, or the handler; or
- (b) The individual is physically resisting or threatening to resist arrest and the use of a police service dog reasonably appears to be necessary to overcome such resistance; or
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the police service dog would pose a threat to the safety of deputies or the public; or
- (d) 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 police service dog in view of the totality of the circumstances.

**NOTE:** 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 police service dog to apprehend an individual.

### 318.21 PREPARATIONS FOR UTILIZING A POLICE SERVICE DOG

Prior to the use of a Police Service Dog to search for or apprehend any individual, the Police Service Dog handler and/or the supervisor on scene shall carefully consider all pertinent information 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 Police Service Dog is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the police dog is not utilized.

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- (f) The potential for injury to Deputies or the public caused by the suspect if the police dog is not utilized.

The handler will evaluate each situation and determine if the use of a Police Service Dog is technically feasible. Generally the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may determine whether or not to deploy the dog.

### **318.22 WARNINGS GIVEN TO ANNOUNCE THE USE OF A POLICE SERVICE DOG**

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a police service dog will be released if the person does not come forth, shall be made prior to releasing a police service dog. The police service dog handler, when practical, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the police service dog. 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.

### **318.23 USE OF NARCOTIC-DETECTION POLICE SERVICE DOGS**

A narcotic-detection-trained police service dog may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service;
- (b) To obtain a search warrant by using the detection police service dog in support of probable cause;
- (c) To search vehicles, buildings, bags, and any other articles deemed necessary;
- (d) A narcotic-detection police service dog will not be used to search a person for narcotics.

### **318.24 REPORTING USE OF A POLICE SERVICE DOG**

Whenever the Police Service Dog is deployed, a Police Service Dog use report shall be completed by the handler and turned in to the Canine Unit Supervisor.

### **318.25 REPORTING POLICE SERVICE DOG BITES OR INJURIES**

If a bite or injury results from the use of the Police Service Dog, that information shall be documented on a report form. The report should include, at a minimum, the following:

- (a) In all cases of bites or injury resulting from the use of a Police Service Dog, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be submitted to CSI. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, a Deputy should standby with the suspect until treatment has been rendered.
- (b) Whenever a bite results, the handler shall notify the Animal Control Office as soon after the incident as practical.
- (c) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.

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### **318.26 REPORTING POLICE SERVICE DOG INJURIES**

In the event that a Police Service Dog is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, the Police Service Dog shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a Police Service Dog use report form.

### **318.27 ASSIGNMENT OF POLICE SERVICE DOGS**

The Police Service Dog teams shall be assigned to the Law Enforcement Division.

Police Service Dog teams should function primarily as cover units; however; they may be assigned by the field supervisor to other functions based on the needs of the watch at the time.

Police Service Dog teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary, and only with the approval of the Watch Commander.

### **318.3 REQUEST FOR USE OF POLICE SERVICE DOG TEAMS**

Personnel within the department are encouraged to freely solicit the use of the Police Service Dogs. When bureaus outside of the Patrol Bureau request to use a Police Service Dog team, the request shall be made to the Unit Coordinator or the on-duty Watch Commander.

### **318.31 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Watch Commander or the Unit Coordinator must approve all requests for Police Service Dog assistance from outside agencies subject to the following provisions:

- (a) Police Service Dog teams shall not be used outside the County of Sonoma to perform any assignment, which is not consistent with this policy.
- (b) Upon arrival at the scene, the handler has the ultimate decision as to whether or not the Police Service Dog is to be used for a specific assignment.
- (c) Police Service Dog teams shall not be called out while off duty or used outside the County of Sonoma unless authorized by the Watch Commander or the Unit Coordinator.

### **318.32 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a Police Service Dog team shall be approved by the Unit Coordinator prior to making any commitment.

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

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### 318.4 SELECTION OF POLICE SERVICE DOG HANDLERS

The following are the minimum qualifications for the assignment of Police Service Dog Handler:

- (a) Sonoma County Sheriff's Deputy (currently off probation).
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates).
- (c) Have a garage that will accommodate a Police Service Dog unit and which can be secured.
- (d) Live within sixty (60) minutes travel time from the Sonoma County Sheriff's Department.
- (e) Agree to be assigned to the position for a minimum of three (3) years.

### 318.5 POLICE SERVICE DOG HANDLER RESPONSIBILITIES

Police Service Dog Handlers shall be responsible for, but not limited to, the following:

#### **318.51 AVAILABILITY**

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

#### **318.52 CARE FOR THE POLICE SERVICE DOG AND EQUIPMENT**

The handler shall ensure that the Police Service Dog receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) The handler shall maintain all department equipment under his or her control in a clean and serviceable condition and, when off-duty, maintain the Police Service Dog unit in a garage, secured from public view.
- (b) When a handler takes a vacation or extended amount of days off, the Police Service Dog vehicle shall be maintained at the Department facility.
- (c) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the Police Service Dog unit, to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the Police Service Dog shall be reported to the Unit Coordinator as soon as possible.
- (e) When off-duty, Police Service Dogs shall be maintained in kennels, provided by the County, at the homes of their handlers. When a Police Service Dog is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, Police Service Dogs may be let out of their kennels while under the direct control of their handlers.
- (f) The Police Service Dog 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.

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- (g) Under no circumstances will the Police Service Dog be lodged at another location unless approved by the Unit Coordinator or Watch Commander.
- (h) When off-duty, handlers shall not involve their Police Service Dogs in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander.
- (i) Whenever a Police Service Dog handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the Police Service Dog. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

### **318.53 POLICE SERVICE DOGS IN PUBLIC AREAS**

All Police Service Dogs shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the Police Service Dogs are trained.

- (a) Police Service Dogs shall not be left unattended in any area to which the public may have access.
- (b) When the Police Service Dog unit is left unattended all windows and doors shall be secured.

### **318.54 HANDLER COMPENSATION**

The Police Service Dog 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 members Memorandum of Understanding.

### **318.6 MEDICAL CARE OF THE POLICE SERVICE DOG**

All medical attention shall be rendered by the designated Police Service Dog veterinarian, except during an emergency as provided in Policy Manual § 318.62.

### **318.61 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a Police Service Dog is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained in the Police Service Dog Supervisor file.

### **318.62 EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or Police Service Dog veterinarian shall render emergency medical treatment. The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

### **318.7 TRAINING**

Before assignment in the field, each Police Service Dog Team shall be trained and certified to meet current POST standards.

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### **318.71 CONTINUED TRAINING**

Each Police Service Dog team shall thereafter be re-certified to POST Police Service Dog standards on an annual basis. Additional training considerations are as follows:

- (a) Police Service Dog teams shall receive training as defined in current contract with the Department's Police Service Dog training provider.
- (b) Police Service Dog handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) In order 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 Sonoma County Sheriff's Department.
- (d) All Police Service Dog training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

### **318.72 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING**

No Police Service Dog team failing POST Police Service Dog certification shall be deployed in the field until certification is achieved. When practical, pending successful certification, the Police Service Dog handler shall be temporarily reassigned to regular patrol duties.

### **318.73 TRAINING RECORDS**

All Police Service Dog training records shall be maintained in the Police Service Dog handler's training file.

### **318.8 POLICE SERVICE DOG UNIT COORDINATOR RESPONSIBILITIES**

The Unit Coordinator shall be appointed by staff, and shall supervise the Police Service Dog Program. The Unit Coordinator is directly responsible to the Police Service Dog Lieutenant. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Maintain liaison with the vendor kennel;
- (b) Maintain liaison with Administrative Staff and functional supervisors(s);
- (c) Maintain liaison with other agency Police Service Dog coordinators;
- (d) Maintain accurate records to document Police Service Dog activities;
- (e) Recommend and oversee the procurement of needed equipment and services for the unit;
- (f) Be responsible for scheduling all Police Service Dog related activities; and
- (g) Ensure the Police Service Dog teams are scheduled for continuous training to maximize the capabilities of the teams.

### **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain the department's drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code § 11367.5 provides that any sheriff, Chief of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California

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Highway Patrol, or a designee thereof, may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency, 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 which 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.

### **318.91 PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Sonoma County Sheriff's Department's 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.
- (b) The weight and test results shall be recorded and maintained by this agency.
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property Bureau or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### **318.92 IMMUNITY**

Under Health & Safety Code § 11367.5(b), all duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine

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drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution.



## 320 - Domestic Violence

### 320.1 PURPOSE AND SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Sonoma County Sheriff's Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

In responding to domestic violence incidents, 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 determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, a deputy shall consider:

- (a) the intent of the law to protect victims of domestic violence from continuing abuse
- (b) the threats creating fear of physical injury
- (c) the history of domestic violence between the persons involved, and
- (d) whether either person acted in self-defense.

### 320.11 DEFINITIONS

The Sonoma County Sheriff's Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. The following definitions are provided per Penal Code §13700:

**Abuse** - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

**Domestic Violence** - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

**Cohabitant** - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters;
- Sharing of income or expenses;
- Joint use or ownership of property;
- Whether the parties hold themselves out as husband and wife;
- The continuity of the relationship;

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- The length of the relationship.

Note: The above definition of "cohabitant" is used for the application of enforcing Penal Code §273.5. Family Code §6209 expands the definition of "cohabitant" to include a person who regularly resides in the household for the application of enforcing Penal Code §836(d).

**Deputy** - means any law enforcement officer employed by a local Police Department or Sheriff's Office, consistent with Penal Code § 830.1.

**Victim** - means a person who is a victim of domestic violence.

**DIRECTORY OF RESOURCE INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT:** Form No. 312 in English, Form No. 313 in Spanish, to be completed by the Deputy and given to all victims or involved parties of domestic violence or domestic related incidents, and sexual assaults.

**DOMESTIC RELATED INCIDENT:** Domestic related incidents are defined as domestic disputes that do not result in physical contact, and involve a spouse, former spouse, cohabitant, former cohabitant, or person with whom suspect has had a child, or is having, or has had a dating or engagement relationship.

### 320.2 OFFICER SAFETY

The investigation of domestic violence cases places Deputies in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all Deputies to exercise reasonable care for the safety of any Deputies and parties involved.

### 320.3 ENFORCEMENT OF DOMESTIC VIOLENCE

It is the intent of the Legislature that the official response to domestic violence, stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

- (a) Marital status of suspect and victim
- (b) Whether or not the suspect lives on the premises with the victim
- (c) Existence or lack of temporary restraining order
- (d) Potential financial consequences of arrest
- (e) Complainant's history or prior complaints
- (f) Verbal assurances that violence will cease
- (g) Complainant's emotional state
- (h) Non-visible injuries
- (i) Location of the incident (public/private)
- (j) Victim does not want to prosecute or make private person's arrest
- (k) Speculation that complainant may not follow through with the prosecution, or that

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- (l) The case may not result in a conviction.

### **320.31 FELONY ARRESTS**

In accordance with state law, an arrest shall be made when there is probable cause to believe a felony has occurred.

### **320.32 MISDEMEANOR ARRESTS**

In accordance with state law, an arrest shall generally be made when there is probable cause to believe a misdemeanor, including violations of court orders, has occurred.

- (a) Police Officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:

1. a current or former spouse;
2. a current or former cohabitant (Family Code §6209 definition);
3. a fiancé or fiancée;
4. a person with whom the suspect currently is having or has previously had an engagement or dating relationship;
5. a person with whom the suspect has parented a child;
6. a child of the suspect or a child of one of the above listed categories, or
7. any person who is 65 years or age or older and who is related to the suspect by blood or legal guardianship.

- (b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code §836(d):

1. "The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed."
2. "The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed."

- (c) Penal Code § 836(c)(1) establishes that when a peace officer responds to a call alleging a violation of a domestic violence protective or restraining order issued under the Family Code, or a domestic violence restraining or protective order issued by the court of another state, tribe or territory, and the peace officer has probable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order; the Deputy shall arrest the person without a warrant, and take that person into custody whether or not the violation occurred in the presence of the arresting Deputy. The Deputy shall, as soon as possible after the arrest, confirm that a copy of the protective order has been filed, unless the victim provides the Deputy with a copy of the protective order.

1. The Deputy shall document any violation of a protective order with a crime report.

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2. The Deputy shall consider other Penal Code violations while investigating violations of protective orders.

### **320.33 FIELD RELEASE**

Penal Code § 853.6 specifies that a field release may not be used unless the Deputy determines that there is not a reasonable likelihood the offense would continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested.

Any one of the following may support the likelihood of a continuing offense or endangerment of persons or property:

- (a) The suspect has used a weapon in an assault upon the victim.
- (b) The suspect is violating a court-issued domestic violence stay away order.
- (c) The suspect has threatened the victim with bodily harm, whether or not the suspect has the present ability to carry out the threat.
- (d) The suspect has a history of previous violations of a restraining order, criminal protective order, or conditions of probation or parole.
- (e) The suspect has a history of prior assaultive behavior (e.g. arrests or convictions for assault and battery or aggravated assaults).
- (f) Statements taken from the victim that the suspect has a history of physical abuse towards the victim.
- (g) Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.
- (h) The suspect is in violation of Penal Code § 12021(g) when the suspect was apprehended.

### **320.34 PRIVATE PERSON'S ARREST**

Deputies will advise the victim of their right to make a private person's arrest when a crime has been committed outside the deputy's presence which does not meet the requirements for a deputy initiated arrest either because it is not a felony or a qualifying misdemeanor offense under §836(d) PC. Advisements regarding private person's arrests should be held out of the presence of the suspect. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions of Policy Manual §364 for further options regarding the disposition of private person's arrests.

### **320.35 PROTECTIVE ORDER VIOLATIONS**

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code §13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence,
- (b) Excludes a party from a dwelling, or
- (c) Prohibit other behaviors specified by the court.

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These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabitating, formerly cohabitated or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- D.V. Protective Order
- Criminal Court Protective Order
- Emergency Protective Order
- Order to Show Cause and Temporary Restraining Order ("TRO")
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

### **320.36 VICTIM NOTIFICATIONS UPON SUSPECT'S RELEASE FROM JAIL**

Upon booking in County Jail, Sonoma County Sheriff's Deputies shall make sure the victim's name and phone number is listed on the booking sheet for notification upon release of the suspect.

### **320.37 TENANCY ISSUES**

- (a) Deputies may request a person who is not in lawful possession of the premises to leave when:
1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.).
  2. The complainant has requested that the person leave the premises.
  3. The Deputy will stand by until the suspect removes essential belongings.
- (b) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5.
- (c) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the Deputy should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy.
- (d) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an emergency protective order.

### **320.4 COURT PROTECTIVE ORDERS**

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out of state and tribal court restraining and protective orders should be enforced. Penal Code §13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence

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calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Technical Services Bureau Manager to maintain these records.

### **320.41 VERIFICATION OF RESTRAINING ORDERS**

Whenever a complainant advises of the existence of a restraining order, the Deputy should determine:

- (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in their possession.
- (b) Whether a restraining order is still valid as to duration/time.
- (c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made.
- (d) The terms of the restraining order.
- (e) In the event the suspect is no longer at the scene and the Deputy has probable cause to believe that the suspect had notice of the order and has committed an act in violation of the order, Deputies shall make a "stop and hold" broadcast to dispatch and shall submit their report to the District Attorney's Office for a criminal complaint.

### **320.42 ENFORCEMENT PROCEDURES**

Violation of a restraining order is a misdemeanor under either Penal Code §§ 273.6 or 166(4). An arrest shall be made for this violation when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of a Deputy and **one** of the following conditions are met:

The existence of the order and proof of service to the suspect has been verified by the Deputy.

- (a) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect.
- (b) The Deputy has verified the existence of the order; and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements.
- (c) The existence of the order has been verified, and there is proof that a Deputy has previously informed the suspect of its terms.

See also § 320.32(c) for arrest requirements per Penal Code § 836(c) 1.

### **320.43 PROOF OF SERVICE NOT VERIFIED**

When the deputy verifies that a restraining order exists, but cannot verify proof of service or prior knowledge of the order by the suspect, the deputy should:

- (a) Inform the suspect of the terms of the order.
- (b) Admonish the suspect of the order, that the suspect is now on notice, and that the violation of the order will result in arrest. If the suspect continues to violate the order after being advised of the terms, an arrest should be made.

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- (c) If the suspect complies after admonishment of the terms, the deputy shall complete a report pursuant to Penal Code §13730(c) showing the suspect was advised of the terms of the order, the specific terms of the order the suspect was advised about, the name of the deputy, and the date and time. The Department's copy of the restraining order will be updated to reflect the information listed above.

### **320.44 WHEN ORDERS ARE NOT VERIFIABLE**

When a victim is not in possession of the restraining order, and/or in case of computer error or due to other reasons, deputies may not be able to confirm the order's validity, deputies shall take the following action:

- (a) Write a report, give the police report number to the victim, and explain how the victim can contact the appropriate detective or investigation unit for further action. (Penal Code § 13730(c)).
- (b) Inform the victim of the right to make a private person's arrest for the appropriate violation.
- (c) In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. Penal Code §§ 13730(c) and 13701(c) require that under these circumstances a written report be completed and that the victim be informed of the case number and the follow-up criminal procedure.

### **320.45 EMERGENCY PROTECTIVE ORDERS**

- (a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue an Emergency Protective Order(s) (EPO's), based on criteria outlined in Family Code § 6250 (c). A judicial officer may issue an EPO whenever a law enforcement officer asserts reasonable grounds that:
  1. A person is in immediate and present danger of domestic violence, based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
  2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
  3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has an intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reason threat to abduct the child or flee with the child from the jurisdiction.
  4. An elder or dependent adult is in immediate and present danger of abuse as defined in § 15610.7 of the Welfare and Institutions Code, based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

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- (b) Under Penal Code §646.91, a peace officer may also obtain an emergency protective order when the deputy has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
1. Any such emergency protective order shall be reduced to writing, signed by the deputy and include all of the information required by Penal Code § 646.91(c).
  2. Any deputy seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
  3. Any deputy requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.
- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
1. physically or verbally contacting the victim or disturbing their peace,
  2. remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence; or
  3. continuing a specified behavior as described in the order.
- (d) Deputies investigating the scene of current or recent situations of Domestic Violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- (e) The fact that the victim did not request an emergency protective order should not discourage a Deputy from seeking an order if the Deputy believes that the victim may still be in danger.

### **320.46 EMERGENCY PROTECTION ORDER APPLICATION AND SERVICE PROCEDURES**

- (a) If you believe an adult or child is in immediate danger of domestic violence, child abuse, immediate and present danger of child abduction, stalking, workplace violence and civil harassment and elder abuse (excluding financial abuse only), attempt to secure an EPO by doing the following:
1. EPO Form: Complete an Application for Emergency Protective Order (EPO Form) as follows:
    - (a) Fill out the top of the form, writing in the names of the protected party and the restrained subject, including a description of the restrained subject. Briefly describe the circumstances and include acts, (e.g., the suspect is being arrested for a charge related to domestic violence and has threatened to harm the victim upon his/her release, the



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suspect has a history of domestic violence and is threatening the victim or her/his family).

2. Contacting the on-call Superior Court Judge: Contact the on-call Superior Court Judge or his designee. When describing the circumstances, confirm the expiration date and time with the judge and enter it on the form. IMMEDIATELY NOTIFY DISPATCH FOR DATA ENTRY INFORMATION IN PERSON, BY FAX, OR BY PHONE.
- (b) Notification and Service: As with a restraining order, an EPO requires notification and service to the subject before enforcement of a violation can occur. Therefore, after securing an EPO, attempt to serve the suspect.
1. Service: When serving the EPO, complete the proof of service section and give the protected party the yellow copy, the restrained party the pink copy, the white copy with the report is for the court, and the golden copy to the Central Information Bureau (Records Bureau). Describe the notification and service in your supplemental report, and attach a photocopy of the EPO. Use the same CR number as in the original report.
  2. Unable to Serve: If the subject is gone from a domestic violence incident still proceed to obtain an EPO. Even though you are unable to locate and serve the subject, give the protected party a copy of the order. Advise the victim regarding security issues and refer her/him to a shelter if necessary. After the EPO is obtained, the Deputy is to make a reasonable effort to serve the person to be restrained until the end of their shift. At this time, the EPO and the Emergency Protective Order Report of Service form is to be given to the following shift duty Sergeant. That Sergeant will issue the EPO to the Deputy that is working the zone where the person to be served resides. This procedure is to be followed until the EPO is served or is expired. You may find the Emergency Protective Order Report of Service forms in the cabinet with the blank EPO forms. Be certain to document each attempted service on the form.
- (c) Sergeant's Duties: Maintain a file of all un-served EPO's and notify the oncoming Sergeant of any un-served orders. The Sergeant on each shift is responsible for attempting to have EPO's served. The Sergeant shall also maintain copies of served EPO's in the Sergeant's Office until the order has expired. Forward all expired and un-served EPO's to the Central Information Bureau, and attach the EPO Report of Service Form.

### **320.47 COURT ORDERS**

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code §166(c)(1). Witness intimidation is also a violation of Penal Code §136.1 as well as the potential application of Penal Code §422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding or using force or expressing or implying a threat of force or violence related to the court proceeding.

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### 320.5 EVIDENCE

The following guidelines should be considered by deputies investigating domestic violence cases:

#### **320.51 PHOTOGRAPHS OF INJURIES**

All visible injuries should be photographed regardless of severity. All victims shall receive proper medical care prior to being photographed, if needed or desired.

Deputies are to take two Polaroid photographs of visible injuries in all felony domestic violence cases. One photograph shall be attached to the report to go to the District Attorney, the second photograph shall be placed into evidence. The Polaroid cameras are to be used for domestic violence cases only, unless otherwise permitted by a supervisor.

- (a) When appropriate, arrangements shall be made for the victim to have follow-up photographs taken 24 to 72 hours after the incident. A written CSI Unit Report Form shall be submitted.
- (b) An accurate description of observable physical injuries shall be included in the report.
- (c) The emotional condition of the victim shall be documented upon arrival and departure.

### 320.6 VICTIM ASSISTANCE

During the course of investigating and reporting domestic violence cases, a Deputy may assist a victim in many ways. Some suggested methods of assistance are:

- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not.
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the deputy determines a need exists.
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property.
- (d) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- (e) Advise the victim of available community resources and the state Victim Assistance Program. See §336 of the policy manual.
- (d) Directory of Resource Information for Victims of Domestic Violence and Sexual Assault:
  - 1. Form No. 312 in English, Form No. 313 in Spanish to be completed by the Deputy and given to all victims or involved parties of domestic violence or domestic related incidents, and sexual assaults.
  - 2. Incident Report: When completing your incident report, check the box marked "Domestic Violence." Indicate in the narrative that the victim was given a Directory of Resource Information for Victims of Domestic Violence and Sexual Assault, and was advised on follow-up procedures.

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### **320.61 DOMESTIC VIOLENCE SUPPORT**

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

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

- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the DA determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating Deputy should articulate in the report that the victim was advised of their right to a counselor and/or support person.

### **320.7 REPORTING OF DOMESTIC VIOLENCE**

Penal Code §13730 requires that a written report be completed on all incidents of domestic violence. All such reports should be documented under the appropriate crime classification and, in the "Type of Crime" box of the crime report form, the distinction "Domestic Violence" should be made.

- (a) Deputies shall document all domestic violence-related calls for assistance on a crime report, which shall include a face sheet.
- (b) Deputies are required to complete the Domestic Violence supplemental forms and attach to the original report.
- (c) All witnesses in the household shall be interviewed and an attempt made to obtain written statements from them.
  - 1. Any spontaneous statements made by children, other witness(es), and the victim shall be accurately documented in the report narrative.
  - 2. Attempt to obtain a brief verbal statement from all children in the house.
- (d) Names, addresses and telephone numbers of all witnesses shall be documented in the report.
  - 1. This shall include all emergency medical personnel and any witness(es) who made the emergency call.
- (e) The Deputy handling the domestic violence call will complete a Dispatch Tape Request form for felony cases only. The request shall be placed in the Dispatch box in the Central Information Bureau (Records Bureau). The domestic violence tape will be duplicated by Dispatch personnel, who shall place the tape into evidence.

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- (f) Information and statements shall be obtained from any neighbor or witness providing assistance. When possible, witnesses who request anonymity shall be contacted by telephone.
- (g) Deputies are to take two Polaroid photographs of visible injuries in all felony domestic violence cases. One photograph shall be attached to the report to go to the District Attorney; the second photograph shall be placed into evidence. The Polaroid cameras are to be used for domestic violence cases only, unless otherwise permitted by a supervisor.
  - 1. When appropriate, arrangements shall be made for the victim to have follow-up photographs taken 24 to 72 hours after the incident. A written CSI Unit Report Form shall be submitted.
  - 2. An accurate description of observable physical injuries shall be included in the report.
  - 3. The emotional condition of the victim shall be documented upon arrival and departure.
- (h) In all cases, an attempt shall be made to have the victim sign a medical release and an "Advisement to Victims" (SCSD-4).
- (i) If the victim elects to leave his/her residence, the Deputy will obtain the name, address, and telephone number of the friend, relative or motel where the victim will be staying, excluding protective shelter locations.
- (j) It is necessary to document the relationship between the victim and the suspect.
- (k) Pursuant to Penal Code § 13730, Deputies shall indicate "domestic violence" on the face sheet of the report under the category of Classification by checking the Domestic Violence box.
- (l) Pursuant to Penal Code § 13730(a), Deputies shall indicate in the body of their reports whether or not weapons were used in the incident, and make the appropriate notation on the face sheet in the weapons section of the face sheet. Deputies shall also indicate on the face sheet of their report whether or not they observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance, and whether or not the responding Deputy determines that any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.
- (m) Pursuant to Penal Code § 13730(a)(3), A notation shall be made in the domestic violence report of whether the Deputy or Deputies who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. Any firearm or other deadly weapon discovered by a deputy at the scene of a domestic violence incident shall be subject to confiscation pursuant to § 12028.5. (*Refer to Weapons Seizure policy*)
- (n) Deputies shall provide the victim with the report number, or if not immediately available, explain how the number may be obtained.
- (o) Deputies shall direct the victim to the proper investigative unit for follow-up.

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- (p) In an effort to make CAD entries as reliable as possible, we must make sure the Final Type Code is accurate. Upon completing all details, advise Dispatch of a final disposition. **Example:** You are dispatched to a 415D. You arrive at the scene and determine that a 273.5 has taken place. When you clear the call or request a case number, advise Dispatch that the call was actually a 273.5. This will allow Dispatch to change the CAD type code accordingly.
- (q) All reports will be forwarded to the District Attorney's Office for review.
- (r) Once you have obtained a statement from a victim, a suspect, a witness, or an involved party, you shall treat the original as evidence and place it into evidence. This includes both written and tape recorded statements. Before submitting original written statements into evidence, you shall make a copy to be submitted with the original crime report

### **320.71 RECORD-KEEPING RESPONSIBILITIES**

Penal Code §13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

### **320.8 FIREARMS**

Deputies shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in Penal Code § 12028.5. In no event shall such a firearm or weapon be returned within less than 48 hours.

The deputy taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code § 12028.7)

No person who is the subject of an emergency protective order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

### **320.81 RETURN OF FIREARMS**

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the deputy has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability. (Penal Code § 12028.5(b)).
- (b) If, however, any deputy has any reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through DOJ or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in

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lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.

- (c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or, upon timely application to the court for an extension, within no more than 90 days. (Penal Code § 12028.5(f))

### 320.9 DISPATCHER'S RESPONSIBILITIES

This Department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2, and restraining orders of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

### **320.91 PUBLIC ACCESS TO POLICY**

A copy of this domestic violence policy will be provided to members of the public upon request. (Penal Code § 13701(c)).

## 322 - Search & Seizure

### 322.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines which may assist a Deputy in evaluating search and seizure issues. Specific situations should be handled according to current training and a Deputy's familiarity with clearly established case law.

### 322.2 REASONABLE EXPECTATION OF PRIVACY

Both the United States and the California Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this Department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without:

- A valid search warrant; or
- Exigent circumstances; or
- Valid consent.

### 322.21 SEARCH PROTOCOL

- (a) Members of the Department will conduct person searches with dignity and courtesy.
- (b) Members of the Department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of the Department should attempt to gain keys to locked property when a search is anticipated, and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the deputy, a Deputy of the like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon a Deputy of the like sex. In these instances the Deputies will adhere to the following guidelines:
  1. A supervisor and/or one other Deputy should witness the search, if practical.
  2. Deputies will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- (f) The Deputy will explain to the person being searched the reason for the search and how the Deputy will conduct the search.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 322 - Search & Seizure

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### 322.3 SPECIFIC SITUATIONS

#### **322.31 RESIDENCE**

Absent a valid search warrant, exigent circumstances or valid consent, every person has a reasonable expectation of privacy inside their home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g. mailmen, salesmen, visitors) would reasonably be permitted to go.

#### **322.32 PLAIN VIEW**

Because an individual does not have an expectation of privacy as to items which are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the deputy has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location; and
- (b) There is probable cause to believe that the item is linked to criminal activity; and
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

#### **322.33 EXIGENT CIRCUMSTANCES**

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death;
- (b) Serious damage to property;
- (c) Imminent escape of a suspect;
- (d) The destruction of evidence.

An exigency created by the deputy's own conduct as an excuse for a warrantless entry is not generally permitted.

### 322.4 CONSENT

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. However, consent is only valid if both of the following criteria are met:

- (a) Voluntary (i.e. clear, specific and unequivocal); and
- (b) Obtained from a person with authority to give the consent.

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the "CONSENT TO SEARCH" form provide strong support for the validity of any consent.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *322 - Search & Seizure*

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Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted.

## 324 - Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This Departmental Policy is for the detention and disposition of juveniles taken into temporary custody by members of the Sonoma County Sheriff's Department.

### 324.2 WELFARE & INSTITUTIONS CODE 625

Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

#### **324.21 CONSTITUTIONAL RIGHTS ADVISEMENT**

In any case where a juvenile is taken into temporary custody, at some point the juvenile shall be advised that anything he/she says can be used against him/her, and advised of his/her constitutional rights under Miranda, whether or not questioning is intended.

### 324.3 TEMPORARY CUSTODY (300, 601, OR 602 WIC)

An individual taken into custody for Welfare & Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare & Institutions Code § 602 may not be held at this facility for more than 6 hours from the time of arrival at the Sheriff's Department. When a juvenile is taken into custody, the following steps shall be taken by the arresting deputy or the investigator assigned to the case:

- (a) When placing in locked room or handcuffing to a secure object, Deputies shall complete the Juvenile Detention Log.
- (b) Notify the juvenile's parent, guardian or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare & Institutions Code § 627).
- (c) Submit a completed report to the Field Supervisor for approval.

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare & Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

#### **324.31 TEMPORARY CUSTODY REQUIREMENTS**

All juveniles held in temporary custody shall have the following made available to them:

- (a) Reasonable access to toilets and washing facilities.
- (b) Reasonable access to drinking water.
- (c) Blankets and clothing to assure the comfort of the juvenile.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *324 - Temporary Custody of Juveniles*

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- (d) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the person having custody and control over the juvenile.
- (e) Privacy during visits with family, guardian, or lawyer.
- (f) Provide the juvenile an opportunity to make at least three telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

### **324.32 NON-CONTACT REQUIREMENTS (208 WIC, TITLE 15 CCR §§ 1544, 1546)**

There shall be no contact between minors held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail, except as provided below. Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed.
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, a Sonoma County Sheriff's Department member trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner.
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
  - 1. Booking
  - 2. Medical screening
  - 3. Inmate worker presence while performing work necessary for the operation of the Sonoma County Sheriff's Department such as meal service and janitorial service.
  - 4. Movement of persons in custody within the Sonoma County Sheriff's Department.

### 324.4 TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the Sonoma County Sheriff's Department.

#### **324.41 NON-SECURE CUSTODY**

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14 taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility; however the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *324 - Temporary Custody of Juveniles*

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### **324.42 SECURE CUSTODY (WIC § 602, TITLE 15 CCR § 1545)**

A minor may be held in secure detention in the jail if the minor is 14 years of age or older and, if in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any minor in temporary custody who is less than 14 years of age, or who does not, in the reasonable belief of the peace officer, present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met.

- (a) In making the determination whether the minor presents a serious security risk of harm to self or others, the deputy may take into account the following factors:
1. Age, maturity, and delinquent history of the minor;
  2. Severity of the offense(s) for which the minor was taken into custody;
  3. Minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
  4. The availability of staff to provide adequate supervision or protection of the minor; and,
  5. The age, type, and number of other individuals who are detained in the facility.
- (b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
1. Juvenile is 14 years of age or older.
  2. Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in WIC § 602.
  3. Detention at this facility does not exceed 6 hours from the time of arrival at the police station, when both secure and non-secure time is combined.
  4. Detention is for the purpose of giving the deputy time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Hall.
  5. The deputy apprehending the juvenile has reasonable belief that the juvenile presents a "serious security risk of harm to self or others." Factors to consider include:
    - (a) Age, maturity, and delinquent history of juvenile;
    - (b) Severity of offense for which taken into custody;
    - (c) Juvenile's behavior;
    - (d) Availability of staff to provide adequate supervision or protection of the juvenile;
    - (e) Age, type, and number of other individuals detained at the facility.

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## *324 - Temporary Custody of Juveniles*

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### **324.43 SECURE DETENTION OF JUVENILES**

While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm.

- (a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
  - 1. A Department employee must be present at all times to assure the juvenile's safety while secured to a stationary object.
  - 2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
  - 3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.
- (b) In the event a minor is held inside a locked enclosure, the minor shall receive adequate supervision which, at a minimum, includes:
  - 1. Constant auditory access to staff by the minor;
  - 2. Unscheduled personal visual supervision of the minor by Department staff, no less than every 30 minutes. These jail checks shall be documented.
- (c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

### **324.44 JUVENILE DETENTION ROOMS**

The Sonoma County Sheriff's Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Deputies or Investigators placing juveniles in secure detention rooms shall comply with the following:

- (a) The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of 6 hours.
- (b) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report.
- (c) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Field Supervisor shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
- (d) It is the responsibility of the arresting Deputy to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a

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## *324 - Temporary Custody of Juveniles*

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parent, guardian, or the appropriate juvenile custody facility. The Field Supervisor or his or her designee, shall be responsible for monitoring the detention of the juvenile, and ensure that appropriate paperwork is prepared to process the juvenile out of the custody of this Department.

### **324.45 JUVENILE'S PERSONAL PROPERTY**

The Deputy placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible Deputy sheriff, or locked in a property locker until the juvenile is released from the custody of the Sonoma County Sheriff's Department.

### **324.46 MONITORING OF JUVENILES**

The juvenile shall constantly be monitored during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem, or suicide risk. In such instances the Field Supervisor shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Confinements of Juvenile Logs shall be turned into the Patrol Captain or his or her designee at the end of each month.

### **324.47 FORMAL BOOKING (WIC § 602 ONLY)**

Any juvenile, fourteen (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, 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

### **324.48 DISPOSITIONS**

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
  - 1. Parent or legal guardian
  - 2. An adult member of his or her immediate family
  - 3. An adult person specified by the parent/guardian
  - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Field Supervisor.

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- (b) If the 6-hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody.
- (c) After a Deputy has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
  - 1. The arresting Deputy may counsel or admonish the juvenile and recommend no further action be taken.
  - 2. If the arresting Deputy or the field supervisor feels that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken. The arresting Deputy or Investigator assigned to the case will then determine the best course of action, such as diversion or referral to court. The investigator will contact the parents and advise them of the course of action.
  - 3. The arresting Deputy may complete an application for petition on behalf of the juvenile and forward it to Investigation for processing.
  - 4. The juvenile may be transferred to Juvenile Hall when the violation falls within the provisions of Welfare & Institutions Code § 602.
- (d) If a juvenile is to be transported to Juvenile Hall, the following forms shall accompany the juvenile:
  - 1. Application for Petition.
  - 2. Any personal property taken from the juvenile at the time of detention.

### 324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, Deputies should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or interview of a juvenile student on campus, the Deputy should take all reasonable steps to notify a parent, guardian or responsible adult following the interview.

### 324.6 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. Deputies of this Department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

#### **324.61 RELEASE OF INFORMATION TO OTHER AGENCIES**

Welfare & Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Central Information Bureau Manager and the

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appropriate Investigation supervisors to ensure that personnel of those bureaus act within legal guidelines.

### 324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

#### **324.71 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, an ambulance will be called. The Field Supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting Deputy or the discovering Deputy should administer first aid prior to the arrival of an ambulance. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

- (a) the Juvenile Court,
- (b) the parent, guardian, or person standing in loco parentis, of the juvenile.

#### **324.72 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

The arresting Deputy 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 himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting Deputy is responsible to notify the Field Supervisor if he/she believes the juvenile may be a suicide risk. The Field Supervisor will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

#### **324.73 DEATH OF A JUVENILE WHILE DETAINED- COUNTY WIDE PROTOCOL**

Pursuant to Government Code § 12525, the Sheriff or his or her designee shall provide the Attorney General with a report documenting the circumstances of the death within ten calendar days.

In any case in which a juvenile dies while detained at the Sonoma County Sheriff's Department, the following shall apply:

- (a) The Sheriff or his or her designee shall provide to the Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Board within 10 calendar days after the death.
- (b) Upon receipt of a report of death of a juvenile from the Sheriff or his or her designee, the Board may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 § 1341.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *324 - Temporary Custody of Juveniles*

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Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

- (c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
1. Sheriff or his or her designee;
  2. the health administrator;
  3. the responsible physician and other health care and supervision staff who are relevant to the incident.

### 324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Sonoma County Sheriff's Department where the minor displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations §1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- A minor who is intoxicated to the level of being unable to care for him or herself.
- An intoxicated minor whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a minor who has ingested one or two beers would not normally meet this criterion.

- (a) A minor detained and brought to the Sonoma County Sheriff's Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
  2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.

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3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking them awake). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the minor is in the custody of the Sonoma County Sheriff's Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, deputies will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the deputy to maintain constant visual supervision of the minor.
1. The 15-minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Watch Commander's office.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an EMERGENCY. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the minor is transported to juvenile hall if it is known that the minor ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the minor no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The minor will still be monitored on a 30 minute basis as outlined in this policy. The minor will continue to be monitored as required for secure or non-secure detentions.

### 324.9 JUVENILE FACILITIES ESCAPEES

To establish specific guidelines for the handling of reports and response to calls of juveniles escaping from the custody of juvenile probation facilities (871 W&I). In order to ensure that escaped offenders from juvenile facilities are apprehended by the swiftest means available, the following procedure is developed. The procedure is designed to establish responsibilities for reporting juvenile escapes and outlines an individual's response to these calls.

#### **324.91 PROCEDURE**

- (a) Deputy Responsibility:
1. Respond to the area where escape occurred.
  2. Conduct a security check of the area for the suspect.
  3. Ensure escapee information is broadcast to both home agencies or out-of-county agencies, if necessary.
  4. If escapees are located, apprehend.
- (b) Reports:

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## *324 - Temporary Custody of Juveniles*

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1. It shall be the responsibility of Juvenile Probation authorities to write all necessary reports and/or documents regarding 871 W&I.

## 326 - Elder Abuse

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Sonoma County Sheriff's Department to treat reports of violence against elderly persons as high priority criminal activity which is to be fully investigated regardless of the relationship between the victim and the suspect(s).

### 326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare & Institutions Code §§ 15610; et. seq. and Penal Code § 368).

**DEPENDENT ADULT** means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined In Health and Safety Code §§ 1250, 1250.2, and 1250.3.

**ELDER** means any person residing in this state, 65 years of age or older.

**FIDUCIARY ABUSE** means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property, to any use or purposes not in the due and lawful execution of his or her trust.

**ABUSE OF AN ELDER OR A DEPENDENT ADULT** means physical abuse, neglect, fiduciary abuse, abandonment, isolation 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.

**ADULT PROTECTIVE SERVICES AGENCY** means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

**NEGLECT** means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care, which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 326 - Elder Abuse

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- Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

### 326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Welfare & Institutions Code § 15630, the Sonoma County Sheriff's Department is considered a mandated reporter. "Any member who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days."

### **326.31 CENTRAL INFORMATION BUREAU RESPONSIBILITY**

The Central Information Bureau is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Provide a copy to Adult Protective Services and retain the original with the initial case file.

### 326.4 DEPUTY'S RESPONSE

Deputies shall investigate all calls of elder abuse and dependent abuse that they encounter. Deputies responding to incidents of actual or suspected elder abuse shall consider their initial response and the appropriate steps to stabilize the situation.

### **326.41 INITIAL RESPONSE**

Deputies may be called upon to affect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is evident, Deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel if not already present.

### **326.42 STABILIZE THE SITUATION**

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons.

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

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## 326 - Elder Abuse

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- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

### **326.43 SUPPORT PERSONNEL**

The following resources should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Violent Crimes Unit
- Crime Scene Investigation
- Adult Protective Services
- Ombudsman shall be called if the abuse is in a long-term care facility.

### **326.44 EMERGENCY PROTECTIVE ORDERS**

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

### **326.5 ELDER ABUSE REPORTING**

Every allegation of elder abuse shall be documented. Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810. The following information should be provided in addition to the general information provided on the crime report:

- (a) Current location of the victim;
- (b) Victim's condition/nature and extent of injuries, neglect or loss;
- (c) Names of agencies and personnel requested and on scene.

Deputies investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

## 329 - Child Abuse Investigation

### 329.1 PURPOSE AND SCOPE

This policy is to establish a uniform procedure for the investigation and documentation of allegations of child abuse, as required by Penal Code §§ 11164-11174. It is the policy of the Sonoma County Sheriff's Department to document all reported cases of child abuse utilizing the Departmental crime/incident report form.

### 329.11 DEFINITIONS

**CHILD:** Any individual under the age of 18.

**CHILD ABUSE:** Child abuse is defined as any act of omission or commission that endangers or impairs a child's physical or emotional well-being.

Child abuse includes any of the following acts committed against a person under 18 years of age:

Physical abuse  
Neglect  
Sexual abuse  
Emotional abuse

**RCC:** Redwood Children's Center, 55 Pythian Road North, Santa Rosa, CA.

### 329.2 INVESTIGATIVE RESPONSIBILITIES

Cases of suspected child abuse that are reported to the Sheriffs Department will normally be referred to the Patrol Division for the initial investigation and crime report.

Penal Code § 11166 requires that a mandated reporter (includes Deputy Sheriffs) fill out DOJ Form SS8572 and notify Sonoma County Child Welfare Services (CPS) immediately, or as soon as practically possible by telephone and send a written report within thirty-six (36) hours of receiving the information about the incident. Form SS8572 includes a copy which is routed to the District Attorney's Office for tracking purposes. If the report is being made to you by another mandated reported and they give you a copy of the SS 8572 Form, you do not need to fill one out.

If you complete a suspected child abuse investigation and there is no further follow-up required by the Domestic Violence/Sexual Assault Unit, you must also fill out DOJ Form SS 8583 (Child Abuse Investigation Report). Be sure to provide a short narrative in the comments section of the form explaining the disposition of the case.

The exceptions to the above procedure shall be in cases where the suspected child abuse report is made directly to the Domestic Violence/Sexual Assault Unit. In those situations, the Domestic Violence/Sexual Assault Unit supervisor shall have the option of assigning the

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case directly to a Detective and filling out the required DOJ forms or referring the case to the Patrol Division, if deemed appropriate.

### 329.3 PHYSICAL ABUSE, EMOTIONAL ABUSE & NEGLECT INVESTIGATIONS

- (a) The welfare and protection of the child shall be the primary concern of the investigating Deputy. Deputies shall be sensitive to the many differences in culture when evaluating potential abuse cases. It is essential to differentiate between harmful practices and those that are solely reflective of cultural diversity, and are not harmful to the child's well-being.
- (b) When interviewing the child in the home, the Deputy shall attempt to isolate the child and question the child as to the cause of any injuries. The Deputy shall also examine the child thoroughly for injuries. A visual examination of the child shall be conducted to ascertain if there are any evident injuries that might be hidden by clothing. If possible, have the victim's parent, guardian or a witness present during examination of child's injuries.
- (c) **Evidence Collection:** The Deputy shall contact the on-call CSI Detective to photograph the victim's injuries and the Deputy shall collect any evidence of child abuse and neglect as soon as possible. Photographs shall be taken of any bruises, marks, lesions, burns or areas requiring medical treatment. In those situations where the child's living conditions are in question, photographs shall be taken of the child's sleeping area, bathroom facilities and kitchen area, including the contents of the refrigerator and cupboards.
- (d) **Protective Custody:** When a Deputy has reasonably determined that a child is at risk because conditions or surroundings seriously jeopardize the child's welfare, then the Deputy shall place that child into protective custody and deliver that child to the Valley of the Moon Children's Home (V.O.M.C.H.) located at 55 North Pythian Road, Santa Rosa, California.
  - 1. Deputies shall complete a "Juvenile Referral" form utilizing the appropriate 300 Welfare and Institutions Code subsection as the booking section.
  - 2. If there are parents or caretakers who, by virtue of the investigation, shall not be allowed visitation with the child, then the Deputy shall list their names and the reason for no contact on the Juvenile Referral Form.
  - 3. Child Protective Services (CPS) workers do not have the authority to take a child into protective custody. However, a Deputy can make such a determination based upon the information or recommendation of a CPS worker. The investigating Deputy shall make the protective custody determination and take custody of the child when appropriate.
  - 4. Whenever a child is taken into protective custody regarding a felony investigation, the on-call Domestic Violence/Sexual Assault Detective shall be notified.
- (e) **Medical Examinations:** Any child taken into protective custody who appears to be in need of medical treatment because of illness or physical injury shall be taken to Sutter Hospital and evaluated by medical personnel prior to placement at V.O.M.C.H.



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1. In any case where there is a question as to the need for a medical examination, the child shall be taken to Sutter Hospital so that the medical staff can make the determination.
2. When a victim has a condition requiring hospitalization, the Deputy shall contact the on-call Domestic Violence/Sexual Assault Unit Detective.

### 329.4 SEXUAL ABUSE INVESTIGATIONS

Sexual abuse investigations shall be handled according to the procedures listed in Section IV, with the following exceptions:

- (a) Deputies shall attempt to obtain the necessary information for the initial crime report without interviewing the child. This can normally be accomplished by interviewing the reporting party and essential witnesses.
- (b) The Deputy shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview with the child victim.
- (c) Immediate notification of the on-call Domestic Violence Sexual Assault Unit Detective is required when the named suspect is determined to be a registrant pursuant to 290 P.C.
- (d) The Deputy shall provide the victim or the victim's guardian a Directory of Resource Information Pamphlet.

### 329.41 MANDATED ADVISEMENT

- (a) The Deputy shall inform the child's non-offending parent or guardian that the victim's name will become a matter of public record unless the parent or guardian requests that it not be, pursuant to § 6254 of the Government Code.
- (b) The Deputy shall document that the non-offending parent or guardian was properly informed and document the response to the advisement on form SCSD-4.
- (c) If the Deputy taking the initial report is not able to make the advisement, that fact and the reason why the advisement was not made shall be documented in the report.
- (d) If appropriate, complete Medical/Records Release Form (SCSD-4).

### 329.42 SEXUAL ABUSE EXAMINATIONS

- (a) A Detective from the Domestic Violence/Sexual Assault Unit shall be notified of any investigation where it appears that a sexual assault examination needs to be performed immediately. A sexual abuse examination shall be performed only when authorized by a Detective or supervisor from the Domestic Violence/Sexual Assault Unit.
- (b) The sexual abuse exam shall be performed by an RCC children's sexual abuse examiner.
- (c) The examiner will conduct the sexual abuse exam in accordance with the California Medical Protocol for Examination of Child Sexual Abuse Victims. This means that the examiner shall conduct evidence collection related to the physical examination and

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turn it over to the Domestic Violence/Sexual Assault Unit Detective. The Detective shall then be responsible for insuring that the evidence is properly marked and placed into evidence.

- (d) Regarding medical response to Child Sexual Assault exams for evenings and weekends, refer to Attachment A.

### 329.5 CHILD ABUSE/SEXUAL ASSAULT UNIT RESPONSIBILITIES

- (a) The Child Abuse/Sexual Assault Unit supervisor shall be responsible for reviewing, assigning or referring to another agency all reports of suspected child abuse made to the Sonoma County Sheriffs Department.
- (b) Domestic Violence/Sexual Assault Unit Detectives shall be responsible for completing the necessary investigative action on each child abuse case assigned to them. Detectives shall ensure the following is accomplished.
1. The Domestic Violence/Sexual Assault Detective is responsible for requesting Sheriffs Dispatch to notify the local rape crisis center whenever a victim of Penal Code Section 261.5 is transported to a hospital for any medical, evidentiary or physical examination.
  2. The Detective shall advise the victim that he/she has the right to have a sexual assault victim counselor, as defined in Section 1035.2 of the Evidence Code, and at least one other support person of the victim's choosing present at any medical, evidentiary or physical examination. Additionally, the victim has the right to a victim advocate/counselor, as well as a support person of the victim's choosing prior to being interviewed or having District Attorney contact pertaining to any criminal action arising out of the sexual assault.
  3. Review the report and make follow-up contact with victims, witnesses and suspects as needed.
  4. In situations where a child has been placed into protective custody, within 48 hours ensure that Child Protective Services (CPS) has all needed information for any dependency action.
  5. Complete a Department of Justice Child Abuse Investigation report (DOJ form SS8583) on those investigations that meet the reporting criteria prescribed in Penal Code § 11165 and 11174.5.
  6. Complete the investigation in a timely manner and make an appropriate disposition based upon the investigative findings.

### 329.6 EMERGENCY PROTECTIVE ORDERS (EPO)

Emergency Protective Orders (EPO) are a type of protective order that Deputies may secure at any time of day or night, either on business days or weekends, in order to protect victims of domestic violence, child abuse, immediate and present danger of child abduction, workplace violence, civil harassment, stalking and elder abuse (excluding financial abuse only). They are in effect for five (5) court days and up to seven (7) calendar days. For further information regarding EPO procedures see Domestic Violence Policy Manual §320.

## 332 - Missing Persons

### 332.1 PURPOSE AND SCOPE

To establish a process for documenting, investigating and locating reported missing persons.

### 332.2 DEFINITIONS

**MISSING PERSON:** Any person who is reported missing to a law enforcement agency until such time as the person is located or determined to be a voluntarily missing adult. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior, and who may be in need of assistance.

**INVOLUNTARY MISSING:** Includes the involuntary abduction of an adult, the involuntary abduction of a child under circumstances other than "parental abduction," children who have been rejected by their families, missing adults or children who have left home, and are viewed as unable to care for themselves.

**PARENTAL ABDUCTION:** Includes a person under twenty-one years of age who has been taken, detained, concealed, enticed away, or retained by a parent or the agent of a parent.

**RUNAWAY:** Any person under eighteen years of age who is voluntarily missing. They may be a runaway, but if they are under eighteen, their location is unknown, and they are reported, they are a missing person.

**UNKNOWN MISSING:** Cases where there are insufficient facts to determine a disposition.

**AT RISK:** Evidence that a person is at risk includes, but is not limited, to the person missing being the victim of a crime or foul play, being in need of medical attention, having no pattern of running away or disappearing, being the victim of parental abduction, or being mentally impaired.

### 332.3 REPORTS

- (a) Designated members of the Sonoma County Sheriff's Department shall accept, without delay, any report, including any telephone report of a missing person.
1. The reporting party need not be related to the missing person to file a report.
  2. A report will be accepted regardless of the jurisdiction from which the person is missing.
  3. Missing person reports shall be given priority over reports relating to property crimes.
  4. If the person making the missing person report is a relative or next-of-kin, they shall be given, in person or by mail, an authorization form to release

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## 332 - Missing Persons

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dental/skeletal x-rays/photograph, and description information of the missing persons (D.O.J. form No. SS-8567).

5. Every reasonable effort should be made to obtain a recent dated photograph of the missing person.
6. Missing person reports shall be completed using the Sonoma County Sheriff's Department Missing Person Reporting Form (SCSO 12) while fully documenting the circumstances causing the person to be listed as missing.

### (b) Routing

1. Reports concerning missing persons shall be routed immediately to the Violent Crimes Investigation Unit:
2. Reports involving missing children under sixteen years of age and persons deemed to be "at risk" shall be routed as follows:
  - (a) Within twenty-four hours, a copy of the report shall be sent to the agency having jurisdiction over the person's residence. It is the responsibility of the report taker to indicate in the "Other Copies To" box at the bottom of the form where the report is to be sent. (Records)
  - (b) Within twenty-four hours, a copy of the report shall be sent to the agency having jurisdiction over the location where the person was last seen. Again, it is the responsibility of the report taker to indicate in the "Other Copies To" box at the bottom of the form where the report is to be sent. (Records)
  - (c) Within four hours, the report shall be entered into MUPS (Missing Unidentified Person System). (Dispatch - Law 2)

### 332.4 INITIAL INVESTIGATION

- (a) The Deputy, Community Service Officer, or Dispatcher taking the initial notification shall first assess what category the missing person is:
  1. Under sixteen or "at risk," or
  2. Over sixteen and not "at risk."
- (b) When the missing person is determined to be under sixteen years of age or "at risk," the report and initial investigation shall be taken by a Deputy, who shall take the following steps:
  1. Ensure that a "Be on the Lookout" bulletin is locally broadcast within one hour of the report being taken.
  2. Assess whether or not a search of the immediate area is appropriate.
  3. When the missing person resides in another jurisdiction and/or when the missing person was last seen in another jurisdiction, the report will be annotated with the need for priority routing and the name of the agency the report is to be routed to.
  4. A copy of the report shall be provided to Dispatch (Law 2), which will allow proper information to be entered into the Missing/Unidentified Person System (MUPS) within four hours.

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5. If a copy of the report cannot be delivered to Dispatch (Law 2) within 4 hours, the missing person information must be given by telephone.
- (c) When the missing person is sixteen years of age or older, and not "at risk," the report may be taken in person by a Deputy, or over the telephone or counter by a Community Service Officer.
1. A copy of the report shall be provided to Dispatch (Law 2), which will allow proper information to be entered into the Missing/Unidentified Person System (MUPS) as soon as possible when the Community Service Officer is unavailable.
  2. Forward a copy of the report to the Missing Persons Intern in the Investigation's Bureau. (Records)

### 332.5 VIOLENT CRIMES INVESTIGATION UNIT RESPONSIBILITIES

- (a) The following are the two categories of special missing persons:
1. Any missing persons determined to be "at risk" (See §332.2 DEFINITIONS).
  2. Missing children under sixteen, voluntarily missing, and gone for at least fourteen days.
- (b) The person assigned to investigate any one of the special categories of missing persons shall accomplish the following:
1. Immediately double check the actions taken following the initial report to ensure that all notifications and routings were properly completed.
  2. Submit to the missing person's dentist, physician, or medical facility the "Authorization to Release Information" (D.O.J. Form SS-8567).
  3. Ensure that the reporting party has submitted a photograph of the missing person.
  4. Immediately confer with the Coroner's Office relative to any unidentified deceased.
  5. If the missing person is a child and is enrolled in a school, a notice in writing, including a photo if available, shall be provided within ten days to the school where the child is enrolled.
- (c) Other missing persons:
1. Persons missing under circumstances other than those described in Section §332.5(a) shall be considered as "other missing persons."
  2. The person assigned the case shall:
    - (a) Thirty days following the initial report, contact the reporting party to ensure that dental/skeletal x-rays are submitted to the Department of Justice within the next ten days.
    - (b) After forty-five days, confer with the Coroner's Office.

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### 332.6 MISSING PERSON IS LOCATED

- (a) When any person reported missing is located, inform Dispatch/Central Information Bureau to remove from the automated system, and document the cancellation on an original report or on a supplemental report, and route to the Missing Persons Intern. If located person is reported to the Community Service Officer, a locate/cancel will be done at that time.
- (b) It shall be the responsibility of the Missing Person Intern to ensure the following is accomplished:
  - 1. Cancel any automated systems entries and local "Be on the Lookout" bulletins. (Station II)
  - 2. Notify the reporting party, and other involved agencies.
  - 3. Notify law enforcement agency that took the initial report.
- (c) Information regarding any found unidentified person, alive or deceased, shall be entered into the Missing/Unidentified Persons (MUPS) file within twenty-four hours.

### 332.7 MISCELLANEOUS

#### **332.71 DNA SAMPLE COLLECTION**

- (a) In any case in which a report is taken concerning a person missing under high risk circumstances, the assigned detective shall, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available (Penal Code §14250(c))
- (b) Such samples shall be collected in a manner prescribed by the Department of Justice, using a DOJ model kit.
- (c) After 30 days, the reporting deputy or assigned detective shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.

#### **332.72 REFERENCE CHART**

Refer to Attachment "B" in Appendix for MISSING PERSON RESPONSIBILITY "REFERENCE CHART"

### 332.8 JUVENILE ESCAPEES

- (a) Any juvenile who has been adjudged a ward of the court or who is under the authority of the Probation Department, who voluntarily leaves any court or probation placed residential facility, shall be deemed an escapee as defined in Section 871 W.I.C.
- (b) Upon contact by a group home or detention facility representative, the Dispatcher, Community Service Officer, or Deputy will determine from the reporting party if the

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## *332 - Missing Persons*

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- reported escapee(s) has been made a ward of the court or is currently on probation in this county or any other county.
- (c) In cases where the juvenile is a ward of the court or is currently on Probation, the Dispatcher, Community Service Officer or Deputy will instruct the reporting party to contact the Juvenile's probation officer to issue a probation violation warrant or hold per 777 W & I.
  - (d) The Dispatcher, Community Service Officer, or Deputy will obtain a description of the suspect, including any officer safety information, for broadcast countywide.
  - (e) In these cases, no further documentation is necessary unless an additional violation of law has occurred, an immediate safety issue is of concern, or suspicious circumstances exist. In any of these events, a Deputy will be dispatched to take a 871 W & I escape crime/case report with no further documentation required. An entry into Missing/Unidentified Persons (MUPS) System will be made.
  - (f) If the juvenile is not a ward of the court or currently on probation, a missing persons report will be taken per the guidelines contained in this order.

### 332.9 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.

## 333 - Direct Placement – Satellite Foster Care

### 333.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the utilization of satellite foster care homes within Sonoma County. The intent of the Direct Placement - Satellite Foster Care Program is to utilize satellite foster homes in each law enforcement jurisdiction throughout Sonoma County. The Deputy contacts the Valley of the Moon Children's Home (VOMCH) and is referred to an available home. The Deputy delivers the child/children to the foster home.

Direct placement allows Deputies in the field to save valuable time and provides a non-institutional setting for younger children, up to age eleven (11), who have suffered abuse and/or neglect.

### 333.2 PROCEDURES

Law enforcement places child or children (age 0 to 11 years) in protective custody.

- (a) Deputy or Dispatch calls VOMCH Supervisor (YSIII) at 537-6356 regarding placement. YSIII calls satellite home for availability.
- (b) If a satellite home is available to accept placement, name, address, directions and phone number are given to the Deputy. If there are no homes available, transport the child/children to VOMCH.
- (c) Deputy delivers child or children to satellite home. Satellite determines, per VOMCH guidelines, whether child needs to be medically cleared at Sutter Hospital.
- (d) Deputy completes Juvenile Referral with a copy to the satellite home.
- (e) As soon as possible, Deputy faxes the Juvenile Referral to VOMCH at 537-6352. All parties are aware there may be a delay in faxing because of the Deputy's other responsibilities. Faxing should occur by the end of the Deputy's shift.
- (f) Admission of a child to satellite foster care is only by prior authorization of VOMCH. There are no exceptions.



## 335 - California Child Safety Amber Network

### 335.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform method of dissemination of vital information regarding child abduction when the victim is in imminent danger of serious injury or death. It shall be the policy of the Sonoma County Sheriff's Department to utilize the Amber Network on all child abductions meeting the criteria outlined in this policy.

### 335.2 DEFINITIONS

**Child Abduction:** Any individual under the age of 18 who has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.

### 335.3 GENERAL INFORMATION

#### **335.31 CALIFORNIA CHILD SAFETY AMBER NETWORK**

Amber Alert will incorporate the use of the following state and county alert systems and make them available for use in the event of a confirmed child abduction.

#### **335.32 STATE ALERT SYSTEMS**

- (a) Technology to Recover Abducted Kids (TRAK): TRAK is an image-based system linking state, county, and local law enforcement agencies. TRAK can capture and immediately distribute color photographs and images to law enforcement agencies, media outlets, and other organizations.
- (b) Emergency Alert System (EAS): EAS messages, when accepted by participating radio and television outlets, pre-empt local programming and are preceded and concluded with alert tones. The EAS system can be utilized locally through the use of an encoder or statewide through the California Office of Emergency (OES) Warning Center.
- (c) Emergency Digital Information Service (EDIS): EDIS, which was created and administered by OES, provides local, state, and federal law enforcement agencies with a direct computer link to media outlets and other agencies.
- (d) Changeable Message Signs: Electronic changeable message signs are used to disseminate information to the public as they utilize the highway transportation system. Fixed signs are located on major highways throughout the state and portable signs can be placed in other locations as needed. These signs can be used to transmit information to the public regarding child abduction.
- (e) Child Abduction Regional Emergency (CARE): A CARE alert is to be utilized when the assistance of local radio, television, and press affiliates are needed to notify the public of a child's abduction.

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## *335 - California Child Safety Amber Network*

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### **335.33 COUNTY ALERT SYSTEMS**

- (a) Reverse Calling: The Reverse Calling System is a computer assisted emergency notification system which has the capability of alerting Sonoma County citizens via the telephone.

### 335.4 ALERT RESPONSIBILITY

Cases of child abduction that are reported to the Sheriff's Department will normally be referred to the Patrol Division for the initial investigation and crime report. If the investigation reveals that the child abduction criteria is met, the Deputy shall notify the Watch Commander. The Watch Commander will contact the Detective Sergeant of the VCI Unit and the on-call Detective of VCI to respond. If the information from the reporting parties meet all of the following criteria, then the California Child Safety Amber Alert can be activated.

- (a) Confirmation that an abduction has occurred.
- (b) The victim is 17 years of age or younger, or has proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that if disseminated to the public, it could assist in the safe recovery of the victim.

### 335.5 ALERT REQUEST

There are two ways for the Watch Commander to request the Amber Alert.

- (a) The Watch Commander will contact the CHP Communication's Center and request the on-duty CHP Field Supervisor. The Watch Commander will advise the CHP Field Supervisor with the reported child abduction information and request an alert.
- (b) The Watch Commander will contact the CHP Emergency Notification and Tactical Alert Center at (916) 657-8297 with the reported child abduction information and request an alert.
- (c) The Investigation's Bureau Lieutenant will ensure there is adequate personnel to receive telephone calls from the public and press as a result of the Amber Alert.

### 335.6 RELATED POLICIES

- § 346 Press Release Policy
- § 358 Notification Procedure
- § 332 Missing Persons
- § 356 Megan's law
- § 329 Child Abuse Investigation Procedures
- § 401 Wanted Persons and Information Flyers
- § 810 Release of Records

## 336 - Victim Witness Assistance Program

### 336.1 PURPOSE AND SCOPE

To establish procedures by which the Department shall inform crime victims and witnesses of the provisions of the Victims of Crime Restitution Program and the existence of victim centers, in compliance with Government Code Section 13950, et seq.

### 336.2 DEFINITIONS

Government Code Section 13951 contains the following definitions applicable to this policy:

- (a) "Crime" means a crime or public offense, wherever it may take place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult.
- (b) "Derivative victim" means an individual who sustains pecuniary loss as a result of injury or death to a victim.
- (c) "Pecuniary loss" means an economic loss or expense resulting from an injury or death to a victim of crime that has not been and will not be reimbursed from any other source; must be an actual out-of-pocket loss.
- (d) "Victim" means an individual who sustains injury or death as a direct result of a crime, as specified in Government Code Section 13955.

### 336.3 DUTY TO NOTIFY VICTIMS

The primary Deputy reporting or investigating a crime where a victim or derivative victim has suffered injury as a direct or proximate cause of that crime shall ensure that the victim(s) have been provided with information about the existence of the local victim centers. The Deputy shall present the victim with a copy of the Department's "Directory of Resource Information for Victims of Violence, Domestic Violence and Sexual Assault" (the DV pamphlet), or other written material on the existence of the victim center, which shall include the case number of the specific crime report. This notification shall be made at a time and place when the victim is able to understand and appreciate its meaning. Such notification shall be delayed if doing so will add to the victim's or dependent's grief and suffering.

If the victim(s) cannot be readily identified and notified, the investigating Deputy who later contacts or identifies the victim(s) shall make the necessary notification.

### 336.4 REPORTING

The Supervisor who approves a written report in which it appears that a victim of a crime has sustained injury shall ensure that the report verifies that the proper victim notification(s) has been made, or includes reasons why such notification was not made. If victim notification was not made at the time of the initial reporting, then the Supervisor approving the report is responsible to ensure that the proper notification is made and documented.

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## *336 - Victim Witness Assistance Program*

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### 336.5 VICTIM-WITNESS ASSISTANCE CENTER

The Central Information Bureau Manager shall be the liaison to all local and State victim-witness restitution and assistance centers. Upon request of a Deputy, such Manager shall forward copies of the relevant police reports to the local victim centers to verify the criminal activity underlying a claim for assistance.

## 338 - Hate Crimes

### 338.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department recognizes the rights of all individuals guaranteed under the Constitution and the laws of this State. When such rights are infringed upon by violence, threats or other harassment, this Department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this Department with guidelines for identifying and investigating incidents and crimes which may be motivated by hatred or other bias.

### 338.2 DEFINITIONS

**HATE CRIMES** – Penal Code § 422.55(a) defines a “hate crime” as either a violation of Penal Code § 422.6 or 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.

### 338.3 CRIMINAL STATUTES

Penal Code § 422 – prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family.

Penal Code § 422.6 (a) - prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). (NOTE: Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat.)

Penal Code § 422.6(b) - prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in § 422.6(a)

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## 338 - Hate Crimes

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Penal Code § 422.7 - provides for other criminal offenses involving threats, violence or property damage in excess of \$400.00 to become felonies if committed for any of the purposes set forth in § 422.6.

Penal Code § 422.76 – Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or the defendant's perception of the victim's sex and includes the defendant's perception of the victim's identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the victim's sex at birth.

Penal Code § 422.9 – provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 – prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika or burning cross) on another person's private property.

Penal Code § 11412 – prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs.

Penal Code § 594.3 – prohibits vandalism to religious buildings or places of worship.

Penal Code § 11413 – prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations.

### 338.4 CIVIL STATUTES

Civil Code § 51.7 – except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 – provides for civil suit by individual, Attorney General, District Attorney or City Attorney for violation of § 51.7, including damages, TRO and injunctive relief.

Civil Code § 52.1 – provides for TRO and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.77.

### 338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

- (a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Accessing assistance by, among other things, activating the DOJ hate crime rapid response protocol when necessary.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 338 - Hate Crimes

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- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

### 338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Deputy(s) will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate;
- (b) A supervisor should be notified of the circumstances as soon as practical;
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g. treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved;
- (d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation. (Penal Code § 422.93(b))
- (e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation;
- (f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift;
- (g) The assigned deputy(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. (Penal Code § 422.92) (Such brochures will also be available to members of the general public upon request). The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations;
- (h) The assigned deputy(s) and supervisor should take reasonable steps to insure that any such situation does not escalate further (e.g. Possible TRO through the District Attorney or City Attorney. Penal Code § 136.2 or Civil Code § 52.1 as indicated).

### 338.61 DETECTIVE BUREAU RESPONSIBILITY

If a case is assigned to the Detective Bureau, the assigned Detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate;
- (b) Maintain contact with the victim(s) and other involved individuals as needed;

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 338 - Hate Crimes

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- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023.

### 338.7 TRAINING

All law enforcement officers who are employed as peace officers, and correctional officers, if so required by law, will receive POST approved training on hate crime recognition and investigation as provided by Penal Code §13519.6.



## 344 - 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, successful prosecution, and for any civil action.

#### **344.11 REPORT PREPARATION**

It is the primary responsibility of the assigned Deputy to assure that reports are fully prepared, or that supervisory approval has been obtained to delay the report, before going off duty. The preparing Deputy must ensure that the report will be available in time for appropriate action to be taken, such as investigative leads, suspect is in custody, or press release was written (see Use of Force Policy).

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the Deputy will be required by the supervisor to promptly correct the report. Deputies who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Deputies 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. Members shall not repress, conceal or distort the facts of any reported incident. Nor shall any member make a false report orally or in writing.

### 344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

These reporting requirements are not intended to be all-inclusive. Employees are expected to prepare reports when deemed prudent. A supervisor may direct an employee to document any incident he/she deems necessary.

#### **344.21 CRIMINAL ACTIVITY REPORTING**

When a member responds to a call for service, or becomes aware of criminal activity, the employee shall prepare a report under the following non-inclusive circumstances:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report.
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher's log.
- (c) In every case where any physical force is used against any person by police personnel (see Use of Force Policy).

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *344 - Report Preparation*

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- (d) All incidents involving domestic violence or sexual assault.
- (e) All arrests.
- (f) Any incident threatening public safety or that could result in civil liability for the County or Department Members.

### **344.22 NON-CRIMINAL ACTIVITY**

The following incidents shall be documented using the appropriate approved report:

- (a) Reported missing persons (regardless of jurisdiction).
- (b) Found property and found evidence.
- (c) All incidents involving the death of a human being (see Policy Manual §361 "Coroner Policy").
- (d) Traffic collisions above minimum reporting level (see Policy Manual §502 "Traffic Accident Reporting").

### **344.23 INJURY OR DAMAGE BY COUNTY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a County member. Additionally, reports shall be taken involving damage to County property or County equipment.

### **344.24 MISCELLANEOUS INJURIES**

Any injury that is reported to this agency shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) It 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.

### **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 is not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### **344.31 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *344 - Report Preparation*

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### **344.32 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, State and Federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### 344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy, and shall approve them before submitting to Central Information Bureau. The original report and the correction form should be returned to the reporting member for correction as soon as practical. It shall be the responsibility of the originating Deputy to ensure that any report returned for correction is processed in a timely manner.

## 345 - Community Service Officers' Reports

### 345.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedure for reports taken by Community Service Officers over the telephone.

### 345.2 POLICY

It is the intention of the Sonoma County Sheriff's Department that felony and misdemeanor reports with follow-up or suspects will be initiated and documented by sworn personnel. It is the intent of this policy to outline the types of crime and incident reports that will be documented by civilian personnel over the telephone. Under no circumstances does this policy eliminate the citizen's right to speak with a Deputy Sheriff. If a citizen requests to speak with a Deputy Sheriff, one will be assigned as available.

### 345.3 PROCEDURE

- (a) The following types of calls will be routed to the CSO's so that reports can be initiated:
1. **Informational Reports:** Report of an incident where no crime has occurred. Examples: Found property, lost property.
  2. **Missing Person/Runaway Reports:** Reports where the missing person/runaway is over twelve years old, and not considered at-risk pursuant to the Missing Person Policy, §332.
  3. **Misdemeanor Reports:** Reports of misdemeanor crimes where there is no suspect, no evidence, and no follow-up.
  4. **Other Misdemeanor Reports:** Some misdemeanor reports which do not fit in category (3) may be taken by CSO's. The classifications of these reports are:
    - (a) **653(m) P.C. - Annoying Phone Calls:** When suspect is not known to victim. Phone record follow-up will be completed by CSO. The report will then be referred to Patrol for further action.
    - (b) **Non-sufficient Fund Check Reports:** These may all be taken by a CSO, since the victim actually completes the report form. These cases will be forwarded to Investigations for follow-up.
    - (c) **Calls from Out-of-County on Misdemeanor Reports with Suspect and/or Leads:** These cases will be referred to Patrol for further action.
    - (d) **Supplemental Reports:** Adding additional stolen property or documenting information received regarding case leads.
- (b) Anytime there is a necessity for a Desk CSO to take any report other than those listed above, the reason for the change must be approved by the on-duty Patrol

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *345 - Community Service Officers' Reports*

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Sergeant or the Central Information Bureau Manager. The CSO initiating the report must document, following the narrative, the reason they took a non-listed report, and who approved the policy exception.

## 347 - Civil Process, Levies and Warrants

### 347.1 PURPOSE AND SCOPE

The purpose of this policy is to give direction regarding the service of civil papers, levies and warrants on non-members. The Sheriff is required by California Civil Practice Code (CCP262.1) to execute process and orders; and Government Code § 26608 states "the sheriff shall serve all process and notices in the manner prescribed by law." Accordingly, it is the duty of the Sheriff to levy and release attachments and executions, serve all process of the court placed in his hands, and return to the court an account of his actions. The Sheriff is legally obligated to exercise reasonable diligence in attempting to effect service of process.

### 347.2 DEFINITIONS

**PAPER:** Order from the court that is to be served on an individual, partnership or corporation. For information on specific types of papers, see the Civil Bureau Supervisor.

**TRIP TICKET:** Routing paper that is attached to the legal document, providing instructions for the service. This document is also used to record actions taken.

**SERVICE:** A successful effort to deliver the paper as instructed.

**ATTEMPT SERVICE:** An effort to serve the paper.

**PERSONAL SERVICE:** Made by delivering in person, a copy of the paper to the person, partnership or corporation to be served. The subject must understand that service is intended and the papers must be left with or near the subject. The subject being served need not be physically touched with the paper.

**SUBSTITUTE SERVICE:** Service of the paper on a member of the household or member of the business, over the age of 18. This may be accomplished if the trip ticket is specifically stamped for substitute service and after personal service has been attempted the number of times designated.

**DROP SERVICE:** When the subject refuses to accept service, dropping the paper in the proximity of the subject to be served and informing the subject of the service. The server must be able to testify that the subject who was "dropped served" is the proper party.

**KEEPER:** An individual assigned by the Civil Bureau to remain on premises to protect and safeguard assets during the duration of a levy. A keeper must be installed by a Deputy.

**INSTALL:** Placing a Keeper in charge of the business under levy. At the time of installation the Deputy must serve the Notice of Levy on the person in charge.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *347 - Civil Process, Levies and Warrants*

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### 347.3 GENERAL

Certain civil processes can only be performed by Deputies, including the following:

- (a) Service of Temporary Restraining Orders (TROs)
- (b) Dangerous or difficult general service of process
- (c) Evictions
- (d) Installation of a Keeper (property levy)
- (e) Levy on real or personal property
- (f) Seizure of real or personal property
- (g) Sale of real or personal property
- (h) Claim and delivery

### 347.4 PROCEDURE

- (a) Intake and Distribution: The Civil Bureau receives and reviews requests for civil process in accordance with Civil Bureau policies. The Civil Bureau Manager distributes the civil papers for service or levy as appropriate, and provides directions and instructions to Deputies regarding the specific type of service or levy requested.
- (b) Receipt and Review: Upon receipt of the civil papers for service or levy, Deputies shall review the papers to determine if they are regular on their face and issued by a competent authority. If the Deputy believes that the paper may not be facially valid or is void, the Deputy should contact the Civil Bureau Manager or County Counsel prior to service or levy.
- (c) Service or Levy: Deputies shall effectuate service or levy as required by law, with reasonable speed and diligence. Highest priority shall be given to papers with time constraints, as necessary.
- (d) Trip Ticket: All actions taken during service or attempted service must be documented on the trip ticket, which shall be turned into the Civil Bureau by the end of the shift. Such documentation shall include:
  - 1. Date and time of service or attempted service;
  - 2. Location of service or attempted service;
  - 3. Person attempted for service or actually served;
  - 4. For a sub-service, name and relationship to the named party;
  - 5. For a drop service, physical description of subject served and how identification was made; and
  - 6. Identification number.
- (e) Return of Service: Deputies shall sign a certificate of service (proof of service), in the name of the Sheriff, and which provides the manner, time and address of service or, if he fails to make service, the reason for failure. With respect to the manner of service, the certificate shall identify whether the service was personal, substituted, drop service, or attempted but not completed. Such papers must be returned to the

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 347 - Civil Process, Levies and Warrants

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Civil Bureau for filing with the Court without delay (Government Code Section 26663).

### 347.5 STATUTES

The following provisions of the Penal Code may bear upon the service of civil process and the activities of the person being served.

- (a) Section 166.4 PC: Willful disobedience of any process or order, lawfully issued by any court.
- (b) Section 166.5 PC: Resistance willfully offered by any person to the lawful order or process of any court.
- (c) Section 148 PC: Resisting or obstructing public officer.
- (d) Section 419 PC: Re-entry on land after legal ouster.
- (e) Section 602(l) PC: Entering and occupying real property or structures of any kind without the consent of the owner/agent.



## 348 - Court Appearances & Subpoenas

### 348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to assure that members appear when subpoenaed, or are available to appear in court when requested and present a professional appearance. The policy does not address the procedure involved when a subpoena is delivered to the Department for service on a non-member.

#### 348.11 DEFINITIONS

**ON-CALL** - When a Deputy has appeared in court, or is at the time on duty, and has been told by a member of the court that he is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**STANDBY** - When a Deputy receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**TRAILING STATUS** - When a Deputy remains on standby status for additional court sessions until notified otherwise.

**MANDATORY APPEARANCE** - Subpoenas marked as "Mandatory Appearance" require a member's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence may result in disciplinary action.

### 348.2 COURT SUBPOENAS

Members who receive subpoenas related to their employment with this agency are subject to the provisions of this policy. Members should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. Unless excused, this policy applies to civil and criminal subpoenas. Members are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 348.21 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any Department member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by personal service on the member or by delivery of two copies of the subpoena on the member's immediate supervisor or other authorized Departmental agent, Government Code §68097.1 and Penal Code § 1328(c). Subpoena service in criminal matters is also acceptable by the court liaison from the court to this Department.

#### 348.22 VALID SUBPOENAS

No subpoena shall be received for a member of this Department unless it has been properly served and verified to have originated from a recognized legal authority.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 348 - Court Appearances & Subpoenas

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### **348.23 ACCEPTANCE OF SUBPOENA**

- (a) Only the member named in a subpoena, his/her immediate supervisor or the Department Subpoena Clerk shall be authorized to accept service of a subpoena. Penal Code § 1328(c). Any authorized member accepting a subpoena shall immediately provide a copy of the subpoena to the Department Subpoena Clerk. The Subpoena Clerk shall maintain a chronological log of all Department subpoenas and provide a copy of the subpoena to each involved member.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another member shall immediately check available schedules to determine the availability of the named member for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, copies of the subpoena shall be promptly provided to the Department Subpoena Clerk and the individually-named member.

### **348.24 REFUSAL OF SUBPOENA**

- (a) Valid reasons for an individually-named member not accepting service of a subpoena include illness, previously approved training, and vacations, which are scheduled and approved before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually-named member from the Subpoena Clerk and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the Subpoena Clerk with a specified reason for refusal as well as the dates when the Deputy will become available. It shall then become the responsibility of the subpoena clerk to notify the assigned Deputy District Attorney or other attorney of record of the bona fide unavailability of the member.
- (b) If the immediate supervisor or other authorized individual knows that he will be unable to deliver a copy of the subpoena to the named member within sufficient time for the named member to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service.
- (c) If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five (5) working days prior to the date listed for an appearance, the supervisor or other authorized individual may refuse to accept service. (Penal Code § 1328(d)).
- (d) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he will be unable to deliver a copy of the subpoena to the individually-named member within sufficient time for the named member to comply with the subpoena, the supervisor or the Department 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)]

### **348.25 COURT STANDBY**

If a member on standby changes his/her location during the day, the member shall notify the Subpoena Clerk of how he can be reached by telephone. Members are required to remain on standby each day the case is trailing. In a criminal case, the Deputy District Attorney handling the case is the only person authorized to excuse a member from standby status.

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## *348 - Court Appearances & Subpoenas*

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### **348.26 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for actions taken off-duty not related to their employment with Sonoma County Sheriff's Department shall comply with the requirements of the subpoena. Members receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

### **348.27 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions.

### **348.3 CIVIL SUBPOENAS**

The Department will compensate Deputies who appear in their official capacity on civil matters arising out of the members official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any Deputy for reasonable and necessary travel expenses.

The Department will receive reimbursement for the Deputy's compensation through the civil attorney of record who subpoenaed the Deputy.

### **348.31 PROCEDURE**

To assure that the Deputy is able to appear when required, that the Deputy is compensated for such appearance, and to protect the Department's right to reimbursement, Deputies shall follow the established procedures for the receipt of a civil subpoena.

### **348.32 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action, in which the Deputy or Department is not a party, without properly posted fees pursuant to Government Code §68097.6. All civil subpoenas and out-of-county criminal subpoenas shall be referred to the Civil Bureau for direction.

### **348.33 PARTY MUST DEPOSIT FUNDS**

The party in the civil action who seeks to subpoena a Deputy must deposit the statutory fee of \$150.00 (Government Code §68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the Deputy make multiple appearances must make an additional deposit in advance.

### **348.4 OVERTIME APPEARANCES**

If the Deputy appeared on his/her off-duty time, he will be compensated in accordance with the current Memorandum of Understanding", (4 hour minimum) for time worked. Time worked shall include reasonable travel time to and from the Deputy's residence (up to one hour each way).

### **348.5 COURTROOM PROTOCOL**

Members must be punctual and in proper attire when appearing in court, and shall be prepared to proceed immediately with the case for which they are subpoenaed.

### **348.51 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed Deputy shall obtain a copy of relevant reports and become familiar with their content in order to be prepared for court. A subpoenaed

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *348 - Court Appearances & Subpoenas*

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Deputy shall retrieve evidence as requested by the District Attorney's Office to take to court, and shall maintain its custody unless otherwise ordered.

### **348.52 COURTROOM ATTIRE**

Members shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for women would consist of a dress jacket, dress blouse and skirt or slacks.

### 348.6 COURTHOUSE DECORUM

Members shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

## 349 - Warrant Procedure

### 349.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedure for the service of criminal and traffic warrants.

### 349.2 LEGAL AUTHORITY

- (a) Penal Code § 816 authorizes the arrest of subjects with outstanding warrants.
- (b) Penal Code § 818 authorizes citing of eligible warrants.
- (c) Rost vs. Municipal Court dictates the timely attempts to serve warrants.

### 349.3 PROCEDURE

#### (a) Patrol Responsibilities:

- 1. Service of warrants is a Patrol Bureau responsibility.
- 2. Warrant work sheets are received by Patrol from Central Warrants.
- 3. Warrants are assigned by the Sergeants according to zones.
- 4. Deputies shall log service attempts on the warrant work sheets by noting date, time, disposition, and radio number.
- 5. When the Deputy or his or her supervisor decides the wanted person is not in this area, or enough attempts have been made, the warrant worksheet is to be returned to Central Warrant Repository with the proper notations.
- 6. Determination regarding citing or arresting on warrants shall be made pursuant to Department policy.

#### (b) When Wanted Person is Arrested on Warrant:

- 1. Immediately prior to arrest, confirm with Dispatch or Central Warrant Repository to ensure that the warrant is valid.
- 2. If an outside agency abstract is served, request Dispatch to confirm validity of abstract with the originating agency.
- 3. Advise Dispatch when the arrested person is in custody.
- 4. If out-of-county warrant, request that the abstract to be sent to the Jail through Dispatch or Central Information Bureau.
- 5. The arresting or transporting Deputy will deliver subject to the Jail where original abstract will be generated through the booking process.
- 6. List the following warrant information on pre-booking form:

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## 349 - Warrant Procedure

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- (a) Violations, Misdemeanor /Felony/Infraction, warrant number, control number, and bail amount.
- (c) When Wanted Person is Cited to Appear:
  - 1. Immediately prior to citing, confirm with Dispatch or Central Warrant Repository to ensure that the warrant is valid.
  - 2. If an outside agency abstract is served, request Dispatch to confirm validity of the abstract with originating agency.
  - 3. Advise Dispatch that you are citing and releasing. Dispatch will generate the abstract through the CAD system, and Records will attach it to the cite and route to the court. If out-of-county service, send abstract and cite to Records, the cite and abstract will be sent to the out-of- county court.
  - 4. Issue court date by using the current court schedule.
  - 5. Information needed on cite:
    - (a) Violations, warrant number, and control number.
  - 6. Traffic and criminal warrants must be separated. A separate cite must be issued for each court.
- (d) Acceptance of Bail in the Field:
  - 1. Immediately prior to accepting bail, confirm with Dispatch or Central Warrant Repository to ensure that warrant is valid.
  - 2. If outside agency bail is accepted on a criminal or traffic abstract, first request Dispatch to confirm validity of abstract from originating agency.
  - 3. Prior to placing the bail receipt in the envelope (which goes to the depository box in the Civil Bureau) the original abstract must be placed in that envelope and sealed, along with the money and receipt.
  - 4. If mandatory appearance is required, a citation must be issued along with the receipt.
  - 5. The bail receipt will include the following information:
    - (a) Date.
    - (b) Name (also include name of person who posts bail if other than person listed on the warrant).
    - (c) Address of person from whom the bail is received.
    - (d) The amount of bail.
    - (e) The warrant number, court of origination, violation, and name of the judge who signed the warrant.
    - (f) If bail is to be forfeited, and an appearance is not mandatory, state so on the receipt.
    - (g) Deputy shall then sign receipt and give original to subject.
  - 6. If a person has warrants from more than one court, a separate receipt and citation shall be written for each court (i.e., Sonoma County Superior Court, San Mateo County, Marin County, etc.).

## 350 - Reserve Deputies

### 350.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Reserve Deputy Program was established to supplement and assist Deputy Sheriffs in their duties. This program provides trained, sworn volunteer reserve peace officers who can augment regular Deputy Sheriff staffing levels.

### 350.2 RESERVE PROGRAM POSITIONS

- (a) The Reserve Coordinator is the Patrol Bureau Captain, or designee.
- (b) The Assistant Reserve Coordinator is the Reserve Captain.
- (c) Level I Reserve Deputies have completed the basic training required by Penal Code 832.6. Level I Reserve Deputies may work alone.
- (d) Level II Reserve Deputies have completed the course required by Penal Code 832 P.C. and shall work under the immediate supervision of a peace officer who has completed the basic academy.
- (e) Level III Reserve Deputies may be deployed and are authorized to carry out limited support duties requiring general law enforcement powers in their routine performance. Level III Reserve Deputies shall be supervised in the accessible vicinity by Level I Reserve Deputies or by full time, regular Deputy Sheriffs. The Sheriff's Department does not employ Level III Reserve Deputy Sheriffs.

### 350.3 SELECTION & APPOINTMENT OF RESERVE DEPUTIES

The Sonoma County Sheriff's Department shall endeavor to recruit and appoint as Reserve Deputies those who meet the high ethical, moral and professional standards set forth by this Department per Penal Code 830.6. Reserve Deputies shall be sworn in by the Sheriff or designee.

#### **350.31 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment screening procedures as Deputy Sheriffs before appointment.

Before appointment as a Level I Reserve Deputy, an applicant must have satisfied the educational requirements of Penal Code §832.6(a)(1) or §832.6(a)(5).

Before appointment as a Level II Reserve Deputy, an applicant must have completed POST approved Modules 3 and 2 of the Extended Basic Academy.

### 350.4 DUTIES OF RESERVE DEPUTIES

Reserve Deputies assist regular Deputies in the enforcement of laws and in maintaining peace and order within the community. Deputy Sheriffs shall be deemed senior to Reserve Deputy Sheriffs. Assignments of Reserve Deputies will usually be to augment the Law

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## *350 - Reserve Deputies*

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Enforcement Division. Reserve Deputies may be assigned to other areas within the Department, as needed. Reserve Deputies are required to work a minimum of 5 hours per week. This requirement may be modified, on a case-by-case basis, by the Reserve Coordinator or designee.

### **350.41 POLICY COMPLIANCE**

Reserve Deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be issued to each Reserve Deputy upon appointment and he shall become thoroughly familiar with these policies and procedures.

Whenever a rule, regulation, or guideline in the Sonoma County Sheriff's Policy manual refers to a sworn Regular Deputy, it shall also apply to a sworn Reserve Deputy unless, by its nature, it is inapplicable.

### **350.42 RESERVE COORDINATOR**

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to the Patrol Captain who shall act as the Reserve Coordinator.

### **350.43 ASSISTANT RESERVE COORDINATOR**

The Reserve Captain shall act as the Assistant Reserve Coordinator to assist in the administration and operation of the Reserve Program. The Assistant Reserve Coordinator shall have the responsibility for, but not limited to:

- (a) Assignment of Reserve personnel.
- (b) Conducting Reserve Deputy meetings.
- (c) Establish and maintain a Reserve call-out roster.
- (d) Maintain and ensure performance evaluations are completed.
- (e) Monitor individual Reserve Deputy performance.
- (f) Monitor overall Reserve Program.
- (g) Maintain liaison with other agencies' Reserve Coordinators.
- (h) Training of Reserves.
- (i) Recruitment and selection of Reserve Deputy Sheriffs.

### **350.5 FIELD TRAINING**

Reserve Deputies shall attend all training required by POST, and the Department that is appropriate to their appointed levels.

### **350.51 FIELD TRAINING OFFICERS**

Field Training Officers will train and evaluate Reserve Deputies during the Field Training Program.

### **350.52 FIELD TRAINING MANUAL**

Each new Reserve Deputy will be issued a Field Training Manual at the beginning of his or 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. Reserve Deputies shall successfully complete the Field Training Officer Program following the Deputy guidelines.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *350 - Reserve Deputies*

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### 350.6 SUPERVISION OF RESERVE DEPUTIES

Level 1 Reserve Deputies, deployed as such, shall be under the immediate supervision of a peace officer until the Reserve Deputies have successfully completed the Field Training Program.

Level II Reserve Deputies deployed as such shall be under the immediate supervision of a peace officer who has completed the basic academy. Level II Reserve Deputies deployed to assignments which may be performed by Level III Reserve Deputies shall be supervised in the accessible vicinity by a Level 1 Reserve Deputy or Regular Deputy Sheriff.

#### **350.61 GENERAL SUPERVISION**

Level 1 Reserve Deputies who have successfully completed the Field Training Program may work alone, with another Reserve Deputy or with a Regular Deputy Sheriff. Level 1 Reserve Deputies shall receive the same general supervision as any Regular Deputy Sheriff.

#### **350.62 RESERVE DEPUTY MEETINGS**

All Reserve Deputy meetings will be scheduled and conducted by the Assistant Reserve Coordinator or Designee. All Reserve Deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Assistant Reserve Coordinator or Designee.

#### **350.63 IDENTIFICATION OF RESERVE DEPUTIES**

All Sonoma County Sheriff's Reserve Deputies will be issued a uniform badge and a Department identification card. Except as provided in § 350.64, the uniform badge shall be the same as that worn by a regular Sonoma County Sheriff's Deputy. The identification card will be the standard identification card with "Reserve" indicated on the card.

#### **350.64 RANK & RESPONSIBILITY**

Reserve Deputies may hold one of the following ranks: Reserve Captain, who shall have general responsibility for the administration of all Reserve Deputies and who shall be the Assistant Reserve Coordinator; Reserve Lieutenant, who shall have responsibility for supervision of the Reserve Sergeants and who shall act in place of the Reserve Captain when the same is unavailable; Reserve Sergeants, who shall have responsibility for Reserve Deputies and other specific duties assigned by the Reserve Captain.

Reserve Deputies who hold the rank of Captain, Lieutenant and Sergeant shall be furnished with a distinctive badge, rank insignia and identification card. Rank insignia may be worn at Reserve Deputy functions, ceremonial occasions and at such other times and places as may be directed by the Reserve Coordinator.

#### **350.65 INVESTIGATIONS AND COMPLAINTS**

Internal investigations on Reserve Deputy Sheriffs will be investigated in a manner consistent with all complaints.

Reserve Deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve Deputies with the exception that they shall have the right to a liberty interest hearing to clear their name but not a property interest hearing.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *350 - Reserve Deputies*

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### 350.7 ON-DUTY STATUS

Reserve Deputies appointed pursuant to Penal Code 830.6(a)(1) [Non-Designated Level I] have peace officer powers for the duration of their assignment. "Assignment" shall be construed to mean while working an assigned shift and while traveling directly to or from an assigned shift (On-Duty). Reserve Deputies appointed pursuant to Penal Code 830.5(a)(2) [Designated Level I] have the full powers of a peace officer appointed pursuant to Penal Code 830.1 but shall be deemed to be "On-Duty" while working an assigned shift and while traveling directly to or from an assigned shift.

#### **350.71 CARRYING WEAPON ON-DUTY**

Except as provided by law, Reserve Deputies are authorized to carry such weapons and in such a manner as may be carried by Regular Deputy Sheriffs while on-duty (as defined in § 350.7).

#### **350.72 CARRYING WEAPON OFF-DUTY**

Except for Designated Level I Reserve Deputies and Reserve Deputies who have been issued licenses to carry concealed weapons (CCW), no Reserve Deputy shall carry a concealed firearm while off-duty, other than to and from work.

### 350.8 EMERGENCY CALL-OUT FOR RESERVE DEPUTIES

The Assistant Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for Reserve Deputies. This plan shall be kept in the Watch Commander's office.

## 352 - Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department may be requested to assist other agencies by taking persons into custody or detaining them. This 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 this Department.

#### **352.11 ASSISTING OUTSIDE AGENCIES**

In non-emergency circumstances, calls for assistance from other agencies shall be routed to the Watch Commander or Bureau Manager for prior approval. In emergency circumstances, notification to the Watch Commander or Bureau Manager shall be made as soon as practical. When an authorized member 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.

When assistance is rendered to detain or arrest a subject or serve a search warrant, the Deputy shall write a report of the action taken.

#### **352.12 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

If assistance is needed from another agency, the member requesting assistance shall first notify a supervisor of his or her intentions.

## 354 - Handcuff Policy

### 354.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs which will be considered synonymous with handcuffs for purposes of this policy.

### 354.2 HANDCUFFING POLICY

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. The arresting Deputy should consider the circumstances leading to the arrest, the attitude of the arrested person, the age, sex, and health of the person before handcuffing. It must be recognized that officer safety is the primary concern.

It is not the intent of the Department to dissuade Deputies from handcuffing all persons they feel warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, a Deputy should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person.

#### **354.21 IMPROPER USE OF HANDCUFFS**

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

#### **354.22 HANDCUFFING OF DETAINEES**

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Handcuffs should be removed as soon as it is determined that the detained person will not be arrested.

## 356 - Megan's Law

### 356.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law. (Penal Code §§ 290 and 290.4). It is the policy of this Department to facilitate public access to information allowed by legislation on serious and high risk sex offenders.

### 356.2 REGISTERED SEX OFFENDER CATEGORIES

The California Department of Justice has categorized each registered sex offender as either serious, high risk or other. Megan's Law only permits public disclosure of certain information regarding serious and high risk sex offenders. The Department may determine the current classification of any registered sex offender by accessing the CD-ROM provided by the Department of Justice, CLETS (Violent Crime Information Network/Supervised Release File) or by contacting DOJ directly.

#### **356.21 SERIOUS SEX OFFENDERS**

Serious sex offenders are those individuals who have been convicted of at least one sex offense set forth in Penal Code § 290.4(a)(1) and who have currently been identified by DOJ as serious sex offenders. This group generally includes those convicted of felony sex offenses or child molestation.

#### **356.22 HIGH RISK SEX OFFENDERS**

High-risk sex offenders are serious sex offenders who have been separately convicted of multiple sex offenses as defined in Penal Code § 290(n)(1)(A) and who have currently been identified by DOJ as high-risk offenders.

#### **356.23 OTHER REGISTERED SEX OFFENDERS**

All other registered sex offenders will fall into the "other" category. This will generally include misdemeanor sex crimes (other than child molestation). Information on these individuals may not be released to the public under Megan's Law except as provided in §356.38 below.

### 356.3 DEPARTMENTAL DISSEMINATION OF INFORMATION

Megan's Law authorizes peace officers to disseminate information about serious and high-risk sex offenders to the public. The method of release of this information will be determined by the sex offender's current classification with DOJ.

#### **356.31 RELEASE OF INFORMATION REGARDING SERIOUS SEX OFFENDERS**

Before any Deputy may publicly release information regarding a serious sex offender, the Deputy must reasonably suspect (based upon information provided by any peace officer or member of the public) that a child or other person may be at risk from the serious sex offender.

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## 356 - Megan's Law

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"Reasonably suspect" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk of becoming a victim of a sex offense committed by the sex offender. Penal Code § 290(m)(5).

Prior to the public release of any information regarding a serious sex offender, a Deputy shall obtain approval from a supervisor. Under exigent circumstances, a Deputy may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

### **356.32 SCOPE OF PUBLIC DISSEMINATION FOR SERIOUS OFFENDERS**

Once the conditions set forth in 356.31 have been met, a Deputy may release authorized information regarding a serious sex offender to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:

- Public and private educational institutions
- Day care establishments
- Establishments and organizations that primarily serve individuals likely to be victimized by the offender
- Other community members at risk.

"Likely to encounter" means any of the above individuals who are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis. The types of interaction ordinarily occurring at those locations indicate that contact with the offender is reasonably probable. Penal Code § 290(m)(4).

### **356.33 RELEASE OF INFORMATION REGARDING HIGH-RISK OFFENDERS**

In addition to the release of information regarding serious sex offenders, this Department may advise the public of the presence of high-risk sex offenders in the community. Penal Code § 290(n).

Once the Department has verified an individual's current status as a high-risk offender, the conditions set forth in § 356.31 and § 356.32 need not be met. The mere fact that the individual is currently classified as a high-risk offender may be sufficient to warrant notification to the public.

Prior to the release of any information regarding a high-risk sex offender, approval of a supervisor shall be obtained. Under exigent circumstances, a Deputy may release the information without prior supervisory approval; however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Information released on high-risk offenders shall not exceed the information set forth in § 356.34. However, the scope of any such release may include the general public within the community.

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### **356.34 INFORMATION WHICH MAY BE RELEASED**

Once it has been determined that the criteria authorizing release for any sex offender have been met, a Deputy may release any of the following information deemed relevant and necessary to protect the public:

- The offender's full name
- The offender's known aliases
- The offender's gender
- The offender's race
- The offender's physical description
- The offender's photograph
- The offender's date of birth
- Crimes resulting in the registration of the offender under Penal Code § 290
- Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive
- Type of victim targeted by the offender
- Relevant parole or probation conditions, such as prohibiting contact with children
- Dates of crimes resulting in current classification
- Dates of release from confinement
- The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

Information disclosed shall not include information that would identify the victim.

Information regarding the offender's home or work addresses and vehicle license plate numbers shall not be disclosed unless the offender is currently wanted for a criminal offense. Prior to the release of any offender's address(es), the Deputy shall verify that it is still current.

### **356.35 WARNING REQUIRED**

In all situations involving the public release of information regarding sex offenders, a warning shall be included stating that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.

Members of the public should also be informed that it is illegal to use any such information to commit a crime against any sex offender or to engage in illegal discrimination or harassment against any sex offender. Penal Code § 290.4(a)(5).

### **356.36 USE OF DISCLOSURE FORMS**

Whenever information regarding any sex offender is publicly disseminated, the Deputy shall complete a "Megan's Law Disclosure" form which shall be promptly forwarded to the Investigation Bureau.

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The release of such information shall also be noted by entering the notification into the comment field on the offender's Supervised Release File Record.

### **356.37 METHODS OF DISSEMINATION**

Once the status of any sex offender has been verified, the public release of authorized information regarding that individual may be made by whatever means necessary to protect the public.

In each case, consideration should be given to the status of the offender as either "serious" or "high-risk" and the scope of the release limited to the criteria set forth in either § 356.31 or § 356.32. Consideration should also be given to geographic boundaries which might limit or expand the scope of any dissemination.

For example, under § 356.31, release of information regarding a serious sex offender might be accomplished by sending letters and/or posting flyers at schools and parks in the area where potential victims would be likely to encounter the offender.

On the other hand, public notification regarding a high risk sex offender under § 356.32 may extend to the entire local community and could include methods such as notification to the local media and posting of flyers.

In no case shall notification be made by way of the Internet.

### **356.38 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

(a) In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

1. The offender's full name
2. The offender's known aliases
3. The offender's gender
4. The offender's race
5. The offender's physical description
6. The offender's photograph
7. The offender's birthdate
8. Crimes resulting in registration under Penal Code § 290
9. The date of last registration or reregistration

(b) As with all other releases of information to members of the public, any member of the campus community seeking information pursuant to this section shall first be required to sign the same form provided in § 356.41 below.

(c) The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, "campus community" shall be defined as those persons present at or



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## 356 - Megan's Law

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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)(5).

### 356.4 PUBLIC INQUIRIES

Information may not be given over the telephone since the applicant is required to fill out a waiver form to view the Megan's Law website. Members of the Public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law website maintained by the Department of Justice ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)). They may also be referred to the DOJ "900" number (Currently, (900) 448-3000). In the event that a telephone inquiry is accommodated, information provided over the telephone must follow the guidelines listed in § 356.3 "Departmental Dissemination of Information."

## 358 - Major Incident Notification

### 358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this Department. It is critical that Staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

### 358.2 MINIMUM CRITERIA FOR NOTIFICATION

The following is a list of incident types provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Officer involved shooting - on or off duty or any incident covered by the fatal incident protocol (See §310.53 for special notifications)
- Significant injury or death to member - on or off duty
- Arrest of Department member
- Aircraft crash with major damage and/or injury or death
- In custody deaths
- Other significant events.

### 358.3 WATCH COMMANDER RESPONSIBILITY

The on duty Watch Commander is responsible for making the appropriate notifications to affected Command Staff. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practical.

## 361 - Coroner Policy

### 361.1 PURPOSE AND SCOPE

To provide guidelines for the Patrol Bureau to be able to properly handle coroner's cases, and to establish procedures for call-outs of Coroner Detectives by Dispatch.

The Coroner's Unit is on-duty and available for coroner calls between 0700 and 0100 the following day. During the hours of 0100 to 0700, patrol Deputies must handle routine dead-body calls. However, Coroner Detectives can be called-out to respond during these hours when needed, subject to the below-outlined criteria.

### 361.2 DEFINITIONS

The following medical definitions are given to aid Deputies in determining the appropriate level of investigative response. For purposes of this policy, these definitions apply to deaths that do not involve foul play or questionable circumstances.

- (a) **Attended Death:** Any death in which the decedent had been under the recent, on-going care of a physician for an identified illness or disease process. Evidence at a death scene of on-going care would normally consist of things such as the following: recently obtained prescription medications, medical appointment cards, "Do Not Resuscitate" orders, "Under Current Hospice Care", or statements from witnesses and/or relatives of on-going medical treatment.
- (b) **Unattended Death:** Any death in which there is no evidence discovered to indicate the decedent had been under the on-going care of a physician for an identified illness or disease process.

### 361.3 PROCEDURE

The patrol division of the agency of jurisdiction typically handles the initial response to coroner calls. For incidents occurring in Sheriff's Department jurisdiction during the Coroner's Unit on-duty hours, a patrol Deputy should first respond to collect the basic facts related to the death. After doing so, a Coroner Detective should be contacted. Once the Coroner Detective assumes the case, the patrol Deputy's role usually ceases. However, based upon the circumstances and investigative needs, it may be necessary for the patrol Deputy to assist with the investigation (i.e., assist in notification, etc.). When a Coroner Detective is not available to respond, it shall be the patrol Deputy's responsibility to perform basic coroner duties. This would include things such as death notifications, property collection, and report writing (see Sections 361.32 and 361.33). Deputies must remember that coroner calls often involve distraught survivors and family members, so they shall conduct themselves in a courteous and respectful manner, and be as considerate as officer safety and public safety allows.

#### **361.31 CORONER CALL-OUTS**

Between the hours of 0700 and 0100 the following day, at least one Coroner Detective will be on-duty and available for calls. Coroner call-outs that are placed by Dispatch shall be

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## *361 - Coroner Policy*

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made directly to the Coroner's Unit at the Central Morgue Facility (CMF) during business hours. For after-hours call-outs, Deputies must have supervisor approval prior to making a coroner call-out request to Dispatch. Dispatch shall follow the call-out schedule as provided by the Detective Sergeant of the Coroner's Unit.

A Coroner Detective shall be notified at any hour for the following incidents.

- (a) All homicides that occur within the county.
- (b) All burn victim deaths in which the decedent is burned beyond recognition and identification is critical.
- (c) All multiple deaths, (more than one death from the same occurrence) including murder/suicides.
- (d) All deaths involving industrial accidents.
- (e) Any fatal airplane crash.
- (f) All infants (birth to one year) pronounced dead at the scene, or infants who die during initial medical care after transport to a medical facility.
- (g) Any deaths that occur during initial medical treatment as a result of any of the above.
- (h) Deaths that occur in an operating room during surgery.
- (i) When, in the opinion of the Watch Commander, the death investigation requires special expertise or handling by a Coroner Detective. (Example: suicides with an extensive death scene or any other case that is very time-consuming.)
- (j) When, in the opinion of the Watch Commander, there is insufficient manpower for Patrol to investigate the case in an acceptable time period.
- (k) Any death involving any criminal action or suspicion of a criminal act.
- (l) In-custody deaths and any death that has peace officer involvement.

The existing case facts for any of these types of cases will determine the level of response from the Coroner's Unit.

### **361.32 DEATH INVESTIGATIONS HANDLED BY PATROL**

Patrol has primary responsibility for death investigation calls during Coroner Unit off-duty hours. Cases that do not involve the circumstances enumerated in Section 361.31 shall be handled by the Patrol Bureau when the Coroner Unit is off duty or otherwise unavailable.

### **361.33 PATROL/DETECTIVE HANDLING OF DEATH INVESTIGATIONS**

The following steps are basic considerations for properly handling death investigations. The circumstances of the case may dictate additional actions.

- (a) Respond to any death scene within the county as required.
- (b) Examine the decedent, instrumentation of death, death scene, and any other relevant evidence.
- (c) Photograph scene, unless Crime Scene Investigations Detectives have responded.

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## 361 - Coroner Policy

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- (d) Facilitate removal of the body from the death scene. If the victim died of natural causes and it was an "attended death"(see 361.2(a)), the body may be conditionally released to a mortuary of the family's preference. Relatives should be given the option of selecting a mortuary service of their choice for removal of the body. The Mortuary Service should be instructed that you are placing a "Coroner's Hold" on the body, so that the Coroner's Unit can have time to obtain the attending physician's signature on the death certificate during business hours.

If the death falls within the jurisdiction of the Coroner (as defined in Section 27491 of the California Government Code), or if there are no relatives present to select a mortuary, or if relatives are unable to select a mortuary, the body shall be removed from the scene to the Central Morgue Facility via the Coroner's contract removal service. The contract removal service shall not be dispatched to a residential death scene prior to the Deputy determining if the possibility exists of the body being removed to a mortuary of the family's selection.

The patrol Deputy shall ensure that all tissue, bone fragments and body parts are removed with the body. In cases where the decedent's remains are to be transported to the Central Morgue Facility by the contract removal service, the Deputy shall remain at the death scene and assist the removal service as needed. In cases where the decedent's remains are to be transported to a family-selected Sonoma County mortuary, the Deputy shall remain at the scene until a mortuary representative arrives. If an out-of-county mortuary is selected by the survivors, they should be informed that it may be several hours before a mortuary representative arrives, and it shall be at the discretion of the Deputy's supervisor if the Deputy should remain at the scene until the out-of-county mortuary arrives.

- (e) When next-of-kin are not present at the death scene, the Deputy shall search the decedent's residence for burial or cremation instructions, a will, next-of-kin information, suicide notes, instrumentation of death, or anything else relevant to the investigation. Particular attention should be given to the presence of prescription medications, because they can assist the pathologist in understanding the circumstances of the death. Therefore, all prescription medications should be located and booked into the Property/Evidence Unit.
- (f) Make efforts to secure and safeguard the decedent's property and any evidence. If relatives are available, the residence and property may be turned over to them. Otherwise, secure and affix a Coroner seal prior to departure.
- (g) Inventory any items seized on a "Sonoma County Sheriff's Department Property/Evidence Form". A copy of the completed form shall be left at the death scene or delivered to the next-of-kin.
- (h) Arrange care for family members and/or animals, as needed. If animals cannot be secured or turned over to a responsible party, Animal Control may be called. Such arrangements should be noted in the report.
- (i) Death notifications should be made in person. Only after all reasonable efforts to personally contact affected parties have been exhausted, and upon consent of the on-call Coroner Detective, shall it be permissible to make telephonic notification.
- (j) In cases where the decedent has recently been under a doctor's care, attempt to make contact with the physician who actually treated the decedent (and not just an

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## *361 - Coroner Policy*

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- on-call partner) to determine medical history, use of medication, and evidence of illness.
- (k) In cases where the cause, manner or circumstances of the victim's death cannot be determined, the body removal service shall be summoned to transport the body to the Central Morgue Facility for further investigation by the Coroner's Unit. Consideration should first be given to the possibility of foul play. In indeterminate cases, a supervisor or the on-call Coroner Detective should be consulted.
  - (l) For any case handled by the Patrol Bureau, the Coroner's Unit shall be advised of the death investigation by 0700 hours on the following day. This can be accomplished by leaving a voicemail or fax to the Coroner's Unit prior to that time.
  - (m) Prepare a Sonoma County Sheriff-Coroner Investigative Report ("Death Investigation Report"). It may also be necessary to write an incident report if interviews are conducted, the scene is complicated, or if extensive follow-up is required. The Death Investigation Report shall be completed, approved, and faxed to the Coroner's Unit prior to the end of shift. If the report is not ready to be faxed by 0700 hours, the Coroner's Unit shall be notified.

### **361.34 CONTRACT CITIES**

Calls within the city limits of Windsor or Sonoma will be handled using the same criteria used for any other city in the county.

## 362 - Identity Theft

### 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend which 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

In an effort to maintain uniformity in reporting, Deputies presented with the crime of "identity theft" (Penal Code § 530.5) shall initiate an investigation and write a report for victims residing within this jurisdiction. If the suspected crime was committed in another jurisdiction and the victim resides out of Department jurisdiction, then the report shall be forwarded to the law enforcement agency where the crime occurred.

- (a) Deputies of this Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g. the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in our jurisdiction).
- (b) Deputies should include all known incidents of fraudulent activity (e.g. credit card number applied for in victim's name when the victim has never made such an application).
- (c) Deputies should also cross-reference all known reports made by the victim (e.g. U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (d) The reporting Deputy should inform the victim of identity theft of their right to obtain court ordered access to the Department of Justice identity theft database pursuant to Penal Code § 530.7.
- (e) Deputies should provide the victim with the Department identity theft pamphlet, and inform the victim about how to obtain a copy of the report.

## 364 - Private Persons Arrests

### 364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of arrests made by private persons 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 persons 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 persons arrest, Deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to affect a private persons 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; or
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

NOTE: 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 persons arrest is lawful, the Deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to



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## 364 - Private Persons Arrests

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investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any Deputy who determines that a private persons arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The Deputy must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person 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 persons 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 Persons Arrest Form under penalty of perjury.

In addition to the Private Persons 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.

## 366 - Anti-Reproductive Rights Crimes Reporting

### 366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act. Penal Code § 13775 et seq.

### 366.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

### 366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the member taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Central Information Bureau Manager.
- (c) By the 10<sup>th</sup> of each month, it shall be the responsibility of the Central Information Bureau Manager to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *366 - Anti-Reproductive Rights Crimes Reporting*

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1. In the event that no ARRC's were reported during the previous month, a Summary Worksheet shall be submitted to DOJ with an indication that no such crimes were reported.
2. Any ARRC's reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

## 368 - Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this Department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language. Title VI of the Civil Rights Act of 1964, § 601, 42 U.S.C. 2000d

### 368.11 DEFINITIONS

**Limited English Proficient (LEP)** - those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient.

### 368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages Deputies could encounter, this Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. Because it is recognized that law enforcement contacts and circumstances will vary considerably, this analysis must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Deputies or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area;
- (b) The frequency with which LEP individuals are likely to come in contact with Deputies, programs or services;
- (c) The nature and importance of the contact, program, information or service provided; and,
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or Deputies.

### 368.21 QUALIFYING INDIVIDUALS

While this 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, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *368 - Limited English Proficiency Services*

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### 368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Deputies should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department provided interpreter services may include, but are not limited to:

#### **368.31 BILINGUAL STAFF**

Individual Deputies and employees need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual employees of this Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

#### **368.32 WRITTEN FORMS AND GUIDELINES**

This Department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area.

#### **368.33 AUDIO RECORDINGS**

From time to time, the Department may develop audio recordings of important information needed by LEP individuals. For example, Deputies may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

#### **368.34 TELEPHONE INTERPRETER SERVICES**

The watch commander and communications supervisor will maintain a list of qualified interpreter services which may be contacted to assist LEP individuals.

#### **368.35 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials.

#### **368.36 FAMILY AND FRIENDS OF LEP INDIVIDUAL**

While family and friends of an LEP individual may frequently offer to assist with interpretation, Deputies should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g. victim/suspect).

### 368.4 LEP CONTACT SITUATIONS AND REPORTING

While all police contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *368 - Limited English Proficiency Services*

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Whenever any member of this Department is otherwise required to complete a report or other documentation, and translation services are provided to any involved LEP individual(s), such services should be noted in the related report.

### **368.41 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this Department.

### **368.42 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing competent translation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing translation services or forms in these situations will make every reasonable effort to accurately translate all communications with LEP individuals.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of Department personnel. Because medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, it is important for this Department to make every reasonable effort to provide effective language services in these situations.

### **368.43 FIELD ENFORCEMENT AND INVESTIGATIONS**

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 which may involve LEP individuals. Because the scope and nature of these activities and contacts will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to complete translation services to every Deputy in the field. However, each Deputy and/or supervisor must assess each such situation to determine the need and availability for translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that a Deputy is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would also, for example, be meaningless to request consent to search if the Deputy is unable to effectively communicate with an LEP individual.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

*368 - Limited English Proficiency Services*

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## **368.44 COMMUNITY OUTREACH**

Community outreach programs, and other such services offered by this Department, have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

## 370 - Hearing Impaired/Disabled Communications

### 370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) and Civil Code § 54.1, it is therefore the policy of this Department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

### 370.2 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 suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved member. (NOTE: Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.)
- (b) The nature of the disability (e.g. total deafness or blindness vs. impairment)
- (c) The nature of the law enforcement contact (e.g. emergency vs. non-emergency, custodial vs. consensual contact, etc.)
- (d) Availability of resources to aid in communication

When considering these and other available information, the involved member(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or deputies.

### **370.21 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Department members should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

### 370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, this Department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *370 - Hearing Impaired/Disabled Communications*

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services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored, unless the member can adequately demonstrate that another effective method of communication exists under the circumstances.

Deputies should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following.

### **370.31 FIELD RESOURCES**

Individual deputies and members are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the member and a deaf or hearing impaired individual.
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly.
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

### **370.32 AUDIO RECORDINGS AND ENLARGED PRINT**

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

### **370.33 TELEPHONE INTERPRETER SERVICES**

Dispatch will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

### **370.34 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this Department.

### **370.35 COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual deputies, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *370 - Hearing Impaired/Disabled Communications*

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### **370.36 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g. victim/suspect).

### **370.4 CONTACT SITUATIONS AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this Department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

### **370.41 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for assistance with such services. Department members will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this Department.

### **370.42 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Members providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of Department personnel. Because medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, it is important for this Department to make every reasonable effort to provide effective communication assistance in these situations.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *370 - Hearing Impaired/Disabled Communications*

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- (a) Individuals who require communication aids (e.g. hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

### **370.43 FIELD ENFORCEMENT AND INVESTIGATIONS**

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 which may involve disabled or impaired individuals. Because the scope and nature of these activities and contacts will inevitably vary, the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every deputy in the field. However, each deputy and/or supervisor must assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within 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 taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with a deaf individual.

### **370.44 COMMUNITY OUTREACH**

Community outreach programs, and other such services offered by this Department, have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

### **370.5 TRAINING**

In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, this Department will provide periodic training in the following areas:

- (a) Member awareness of related policies, procedures, forms and available resources.
- (b) Members having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

## 372 - Mandatory School Employee Reporting

### 372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

### 372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code §11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of §11054, or for any of the offenses enumerated in Penal Code §290 or in subdivision 1 of Penal Code §291 or Education Code §44010, the Sheriff or his/her designee is required to immediately report the arrest as follows:

#### **372.21 ARREST OF PUBLIC SCHOOL TEACHER**

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed.

#### **372.22 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person.

#### **372.23 ARREST OF PRIVATE SCHOOL TEACHER**

Upon arrest for one of the above sections, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 4 – General Operations**

## 400 - Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Bureau of the Department to ensure intra-department cooperation and information sharing.

#### **400.11 FUNCTION**

Deputies will generally patrol in clearly marked police vehicles, patrol assigned geographic areas within the County of Sonoma, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours a day seven days a week.

The Patrol Bureau will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, vehicle code violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol Bureau and other divisions, Bureau and Units within the Department, as well as outside and other governmental agencies
- (h) The application of resources to specific problems or situations within the community which may be improved or resolved by Problem Oriented Policing Strategies.
- (i) Traffic direction and control.

### 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Sonoma County Sheriff's Department.

#### **Patrol Briefings**

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or Deputies will be provided an opportunity to share information at the daily patrol briefings as time permits.

## 401 - Wanted Persons & Information Flyers

### 401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure Wanted Persons or Information Flyers contain the information that is necessary and appropriate for release.

All flyers, whether intended for internal or external distribution, are to be approved by the Watch Commander, an Investigation's Unit Supervisor, or a management level person with responsibility for the unit originating the flyer.

### 401.2 DEFINITIONS

#### 401.21 CRIMINAL HISTORY INFORMATION

Information regarding prior arrests and/or convictions of an individual.

#### 401.22 WANTED FLYER

A written notice requesting the arrest of a particular adult or adults. These often contain a photograph of the wanted adult(s).

#### 401.23 INFORMATION FLYER

A written notice that requests or provides information regarding suspected criminal activity or other matters of public safety. Notices in which persons are named as suspects or descriptions of suspects are provided must comply with this policy. General notices, such as invitations to Neighborhood Watch or public meetings are exempt from this policy.

### 401.3 PROCEDURE

- (a) A wanted flyer is justified:
  - 1. When there is sufficient cause to request the immediate arrest of a person or persons, and those persons represent such a danger as to justify the information becoming public; or
  - 2. When the wanted person(s) represent a lesser threat, but their whereabouts are unknown and the incidents are important enough to justify the information becoming public.
  
- (b) Any Wanted Flyer must state the specific authority for the arrest, i.e., the warrant information or the code sections providing the authority to arrest without a warrant.
  - 1. If in doubt about the legal requirements, contact Sheriffs Warrants personnel for the information required on teletype arrest requests.
  
- (c) Wanted Flyers must not contain any Criminal History information.
  
- (d) An information flyer is justified:

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *401 - Wanted Persons & Information Flyers*

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1. When the Department needs to alert its members, other agencies or the public to a particular danger or ongoing problem or,
  2. When the Department needs information regarding an ongoing problem that can best be obtained in this fashion.
- (e) Information flyers must not contain any Criminal History Information.

### **401.31 ORIGINATING MEMBER**

- (a) When a Department member determines that a flyer of either type is needed the member should, whenever available, obtain permission to create a flyer from his immediate supervisor.
- (b) The originating member constructs the flyer. The text of the flyer must include the following:
  1. The name of the originating member (i.e. by Adams #123)
  2. The crime report number (i.e., CR 040401-99), If there is no report number, one must be obtained for the report as described below.
  3. Any specific details required for the flyer type as described in the "Definitions" portion of this policy.
- (c) The originating member is responsible for developing a plan for distribution of the flyer. The originating member must have that plan available to present verbally or in writing to the reviewer.
- (d) The originating member takes the flyer and distribution plan to the reviewer. The reviewer must be a manager or Investigation's supervisor as described in §401.1 above.
- (e) After the review, the originating member makes any modifications necessary to the flyer and carries out the distribution plan as approved by the reviewer.
- (f) The originating member shall document the need for the flyer in a report, providing the name of the approving reviewer and describing the intended distribution of the flyer. A copy of the final form of the flyer is to be attached to the report. This report with the attached flyer is to be filed in the Central Information Bureau.
  1. This report can be a supplement to the report regarding the incident which prompted the flyer.
  2. If there is no Sheriff's report regarding the originating incident, an incident report must be created by the originating member to document the flyer. For categorization in the Central Information Bureau, these should be described as "Information -Flyer" reports.

### **401.32 REVIEWER**

- (a) Flyers must be approved by a manager or Investigation's supervisor as described above.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *401 - Wanted Persons & Information Flyers*

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- (b) The reviewer must consider the following prior to approving the construction of the flyer.
  - 1. Whether there is justification for the issuance of the flyer.
  - 2. Whether the flyer contains Criminal History Information. No Criminal History Information is permitted in any Sheriff's Flyer.
    - (a) This does not prevent a flyer from containing statements like "subject is considered Armed and Dangerous," "subject is wanted for armed robbery," "subject has been known to carry weapons." However, these statements must be verifiable.
  - 3. Whether issuance of the flyer will prejudice the ongoing investigation.
- (c) Once the reviewer is satisfied with the construction of the flyer, the reviewer shall consider the originating member's plan for distribution of the flyer. The reviewer is to approve or direct modification to the distribution plan as needed.
- (d) Once the reviewer has approved the flyer and the distribution plan, the responsibility for filing the report and carrying out the distribution reverts to the originating member.

### 401.4 FLYERS REGARDING JUVENILES

Flyers, either wanted or informational, shall not be released regarding juveniles (under 18 years of age) unless the following conditions have been met:

- (a) The Department may release the name, description, and the alleged offense of any minor alleged to have committed a violent offense (as defined in Penal Code Section 667.5(c)) and against whom an arrest warrant is outstanding, if the release of this information would assist in the apprehension of the minor or the protection of public safety. (W&I Code Section 827.6.)
- (b) When the Department has been notified that a juvenile has escaped from a secure detention facility, it shall release the name of, and any descriptive information about, the juvenile to a person who specifically requests this information. The Department may release the information on the minor without a request to do so if it finds that release of the information would be necessary to assist in recapturing the minor or that it would be necessary to protect the public from substantial physical harm. (W&I Code Section 828(b).)

## 402 - Bias Based Policing

### 402.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It is the policy and practice of this Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality. All law enforcement members must treat every member of the community fairly without regard to race, ethnicity, age, gender, sexual orientation or nationality.

### 402.2 DEFINITION

"Racial profiling," for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped. (Penal Code § 13519.4(e))

### 402.3 POLICY

The practice of racial profiling is illegal and will not be tolerated by this Department. (Penal Code § 13519.4(f))

- (a) It is the responsibility of every member of this Department to prevent, report and respond appropriately to clear discriminatory or biased practices.
- (b) Every member of this Department engaging in a non-consensual detention shall be prepared to articulate reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
  - 1. To the extent that written documentation would otherwise be completed (e.g. arrest report, FI card, etc.), the involved Deputy should include those facts giving rise to the member's reasonable suspicion or probable cause for the contact.
  - 2. While the practice of "bias based policing" is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a Deputy in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g. suspect description is limited to a specific race or group).

### 402.4 TRAINING

It is the responsibility of this Department to ensure that sworn members of this agency attend POST approved training on the subject of "biased based policing" and that regular refresher courses occur to keep member's current with changing racial and cultural trends.

All members of Sonoma County Sheriff's Department are encouraged to familiarize themselves with cultural issues within their respective communities to ensure that police

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *402 - Bias Based Policing*

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powers are exercised in a manner that is fair, unbiased and respects the dignity of all individuals.

## 404 - Briefing Training

### 404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the start of a patrol Deputy's assigned shift. Briefing training provides an opportunity for important exchange between members and supervisors. A supervisor generally conducts briefing training; however, senior Deputies may conduct briefing for training purposes with supervisor approval. Deputies assigned to substations or other units where briefings do not normally take place will make use of all available materials to brief themselves.

Briefing training 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 directives or changes in 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 training 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.

## 405 - Crowd Control

### 405.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures regarding the Department's response to lawful demonstrations and unlawful civil disobedience.

In the United States, all people have the right of free speech and assembly guaranteed by the First Amendment of the Federal Constitution and California State Constitution. Law enforcement recognizes the right of free speech and actively protects people exercising that right.

The rights of all people to march, demonstrate, protest, rally or perform other First Amendment activities comes with the responsibility to not abuse or violate the civil and property rights of others. The responsibility of law enforcement is to protect the lives and property of all people. Law enforcement should not be biased by the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising his or her lawful First Amendment rights. Law enforcement personnel must have the integrity to keep personal, political or religious views from affecting their actions.

When it becomes necessary to control the actions of a crowd that constitutes an unlawful assembly, the commitment and responsibility of law enforcement is to control lawfully, efficiently, and with minimal impact upon the community. A variety of techniques and tactics may be necessary to resolve a civil disobedience incident. Only that force which is objectively reasonable may be used to arrest violators and restore order. (Refer to Use of Force policy).

### 405.2 DEFINITIONS

**CIVIL DISOBEDIENCE:** An unlawful event involving a planned or spontaneous demonstration by a group of people.

**CIVIL DISORDER:** An unlawful event involving significant disruption of the public order.

**CROWD CONTROL:** Law enforcement response to a pre-planned or spontaneous event, activity or occurrence by two or more people where there is a potential for unlawful activity or the threat of violence.

**CROWD MANAGEMENT:** Strategies and tactics employed by law enforcement agencies to deal with lawful assemblies in an effort to prevent escalation of events into an unlawful assembly or riot.

**DISPERSAL ORDER:** Lawful orders communicated by law enforcement personnel commanding individuals assembled unlawfully to disperse.

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**FIRST AMENDMENT ACTIVITIES:** The Sonoma County Sheriff's Department will not attempt to limit the size, location, time or activity at any demonstration, march, protest or picket unless there are articulable facts or circumstances causing reasonable concern for public safety, public health or the safe movement of persons in the area.

**RIOT:** Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law. (404 P.C.)

**ROUT:** Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such an assembly is a rout. (406 P.C.)

**UNLAWFUL ASSEMBLY:** Whenever two or more persons assemble together to do an unlawful act, or to do an unlawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

### 405.3 PROCEDURES

#### **405.31 DEPUTY RESPONSIBILITIES**

The first Deputy to arrive on the scene of a civil disturbance should do the following:

- (a) Determine if the disturbance is a lawful assembly (an exercise of the First Amendment Rights) or an unlawful assembly (civil disobedience). If the assembly is lawful, advise the supervisor. If the assembly is unlawful follow steps (b) through (d).
- (b) Notify dispatch of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of a supervisor and any necessary back-up and advise as to the present course of action.
- (c) If approaching the crowd does not present unnecessary risk, instruct the gathering to leave the area.
- (d) Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.

#### **405.32 SUPERVISOR RESPONSIBILITY**

If the assembly is lawful advise the Watch Commander of the status of the event. If the assembly is unlawful, a supervisor shall take command at the scene and take the following steps:

- (a) Assess the seriousness of the immediate situation and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd. If adequate resources are not available or the incident has the potential for lasting an extended amount of time, the supervisor shall contact and advise the on-duty Patrol Watch Commander. The Watch Commander will decide if a Tactical Team call-out is appropriate. It is recommended that the Watch Commander confer with the Tactical Team Sergeants or Lieutenant.
- (b) Establish the number of personnel and amount of equipment necessary to contain and disperse the disturbance and relay this information to Dispatch.

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- (c) Where necessary, ensure that appropriate notification is made to outside agencies to include the fire department, ambulance crews, state and local law enforcement agencies and the Watch Commander at MADF.
- (d) Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants.
- (e) Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area.
- (f) Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance.
- (g) Ensure that surveillance points are established to identify agitators, leaders and individuals committing crimes and to document and report on events as they happen. Contact Crime Scene Investigations Unit for photographic and videotape documentation of evidence of criminal acts and perpetrators.
- (h) Ensure establishment and sufficient staffing of a press area.

### **405.33 TACTICAL TEAM**

The Sonoma County Sheriff's Department Tactical Team will be available for call-out via the Patrol Watch Commander. In the event of a planned or spontaneous incident in which the Tactical Team responds, the Tactical Team Lieutenant or Sergeant will become the Incident Commander (IC).

### 405.4 DISPERSAL ORDER

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, you may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, the Deputy completing the crime report (master report) should record the name of the individual making the statement and the date and time each order was administered. **Dispersal orders should not be given until control forces are in position to support crowd movement.**

Dispersal order: "I am (*peace officer's name and rank*), a peace officer for the Sonoma County Sheriff's Department. I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (*specific location*) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Section 409. The following routes of dispersal are available (*routes*). You have (*reasonable amount of time*) minutes to disperse."

### 405.5 USE OF FORCE

While various levels of force exist, each Deputy is expected to respond with only that level of force which reasonably appears appropriate under the circumstances at the time, to

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successfully accomplish the legitimate law enforcement purpose in accordance with Use of Force policy.

### 405.6 REPORT REQUIREMENTS

Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of law enforcement's response to an event. Documentation should begin as soon as possible. Additionally, proper documentation can aid law enforcement in anticipation of potential civil litigation.

- (a) The first responding Deputy to arrive at a civil disobedience incident shall complete a crime report titled with the crime violation. The report shall detail all the events that transpired prior to the arrival of the tactical team.
- (b) Once the Tactical Team has arrived, a Tactical Team member will be assigned as the master report Deputy. The Tactical Team member will contact the first responding Deputy and take control of all further documentation, which will include the arrangement of CSI detectives to photograph and videotape the incident. If there are multiple incidents there will be a Deputy assigned to each incident as the master report Deputy. All reports will be reviewed by a Tactical Team Sergeant.
- (c) If the use of force meets the criteria for reportable use of force per policy manual § 300, the arresting Deputy will be responsible for writing a supplemental report to the crime report (master report) detailing the use of force.

For detailed procedures concerning crowd control and event planning, see Sonoma County Sheriff's Department "Crowd Control and Event Management Manual." This manual is maintained by the Patrol Lieutenant assigned as the manager of the Tactical Team.



## 406 - Crime & Disaster Scene Integrity

### 406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

### 406.2 CRIME SCENE RESPONSIBILITY

The first Deputy at the scene of a crime or major incident is responsible for the preservation of the scene, however Deputies shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. The integrity of the crime/disaster scene shall be maintained until relieved by a supervisor.

#### **406.21 FIRST RESPONDER CONSIDERATIONS**

The following list describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive and is not necessarily in this order:

- (a) Ensure no suspects are still within the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidential value.
- (f) Start chronological log noting critical times and personnel allowed access.

#### **406.22 MEDIA ACCESS**

Pursuant to Penal Code § 409.5(d), authorized and bona fide members of the media shall be provided access to scenes of disasters, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials which shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location which will not interfere with such activities.
- (c) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the expressed consent of the person in custody.

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## *406 - Crime & Disaster Scene Integrity*

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The scene of a tactical operation is the same as a crime scene, except that the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the on-duty supervisor or supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media, but every effort shall be made to keep them well informed of the progress of the operation.

### **406.23 EXECUTION OF HEALTH ORDERS**

Any sworn member of this department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. (Health & Safety Code § 100106 & Government Code § 41601)

## 408 - Special Operations Unit

### 408.1 PURPOSE AND SCOPE

To establish guidelines for the structure, supervision and utilization of the Special Operations Unit. The Special Operations Unit (S.O.U.) will consist of the Special Weapons and Tactics Team (S.W.A.T.), the Hostage Negotiations Team (H.N.T.), the Tactical Dispatch Team (T.D.T.), the Paramedics, and the Technical Team.

### 408.2 POLICY

The Sonoma County Sheriff's Department will maintain a highly trained, highly skilled and well-equipped Special Operations Unit to reduce the risk of injury or loss of life of citizens and members of this Department in response to critical incidents.

### 408.3 MISSION

To contain, control, and resolve a critical incident while minimizing the risk to bystanders and law enforcement as well as to the criminal suspect.

### 408.4 DEFINITIONS

(a) **CRITICAL INCIDENT:** Critical Incidents are defined as follows:

1. **HOSTAGE SITUATION:** The holding of any person(s) against their will by an armed or potentially armed suspect.
2. **BARRICADE SITUATIONS:** The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with law enforcement demands for surrender.
3. **SNIPER SITUATIONS:** The firing upon citizens and/or Deputies by an armed suspect, whether stationary or not.
4. **HIGH RISK APPREHENSIONS:** The arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high.
5. **HIGH RISK WARRANT SERVICE:** The service of search or arrest warrants where the likelihood of armed resistance is high or other factors demonstrate a need for S.W.A.T. assistance.
6. **CROWD CONTROL:** The deployment of the S.W.A.T. team to assist or augment the Tactical Team for purposes of crowd/protester(s) control, multiple arrests, area containment, riots and special event management.
7. **PERSONAL PROTECTION:** The security of special persons, such as VIPs, witnesses or suspects, based on the threat or potential threat of the well being of those persons.
8. **SPECIAL ASSIGNMENT:** Any assignment, approved by the S.O.U. Commander or higher authority, based upon a high level of threat or utilization of specialized equipment or skill.

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- (b) SPECIAL OPERATIONS COMMANDER: A Lieutenant charged with overall management responsibility of all of the teams that fall under the Special Operations Unit. The Special Operations Commander reports directly to the Patrol Bureau Captain.
- (c) S.W.A.T. TEAM: The Special Weapons and Tactics Team.
  - 1. S.W.A.T. TEAM SERGEANT: A Sergeant charged with overall supervisory responsibility of the S.W.A.T. Team. The S.W.A.T. Team Sergeant reports directly to the Special Operations Commander.
  - 2. S.W.A.T. TEAM LEADER: A member charged with the immediate supervision of a unit during training or any operation. The S.W.A.T. Team Leader reports directly to the S.W.A.T. Team Sergeant.
  - 3. S.W.A.T. TEAM MEMBER: A member who performs a team function as a member of a sniper team, entry team, or perimeter team.
  - 4. SPECIAL WEAPON: Any weapon issued by the Department to a S.W.A.T. Team member for use during their official duties on the S.W.A.T. Team. Department issued duty weapons (handguns) are not considered special weapons for the purpose of this policy.
- (d) H.N.T.: The Hostage Negotiation Team.
  - 1. H.N.T. SERGEANT: A Sergeant charged with overall supervisory responsibility of the H.N.T. Team. The H.N.T. Sergeant reports directly to the Special Operations Commander.
  - 2. H.N.T. TEAM LEADER: A member charged with the immediate supervision of a unit during training or any operation. The H.N.T. Team Leader reports directly to the H.N.T. Team Sergeant. In the absence of the H.N.T. Sergeant, a H.N.T. Team Leader will assume the role of the H.N.T. Sergeant.
  - 3. NEGOTIATOR: A member who negotiates with a barricaded or recalcitrant subject, or who assists in the negotiation process.
- (e) TACTICAL SUPPORT UNIT: The Tactical Support Unit consists of the Technical Team and Tactical Dispatch Team.
  - 1. TECHNICAL TEAM LEADER: Technical Team member charged with the supervision of the Technical Team and Tactical Dispatchers. The Technical Team Leader reports to the Special Operations Commander. During an operation, the Technical Team Leader is subordinate to the S.W.A.T. and H.N.T. Sergeants.
  - 2. TECHNICAL TEAM MEMBER: A member who provides technical assistance to the different teams of the Special Operations Unit.
  - 3. TACTICAL DISPATCHERS: A member who performs a team function at the Command Post. Tactical Dispatchers report to the Technical Team Leader for training, equipment and support. During and operation, Tactical Dispatchers may be assigned directly to a variety of roles in and around the Command Post. Dispatch Supervisors may be part of the Tactical Dispatch

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Team and assigned a Team Leader function under the Technical Team Leader.

4. PARAMEDIC: A person certified as a paramedic who provides medical assistance, when necessary, at a critical incident. The Paramedic is supervised by the S.W.A.T. Team Sergeant.
- (f) INCIDENT COMMAND STRUCTURE: The command structure for each special operations unit shall be as follows.
1. INCIDENT COMMANDER (IC): Highest ranking Sheriff's Department Member, normally a Lieutenant or above, responsible for the overall operation, to include all tactical, field and support resources committed to the incident site. The IC will manage and conduct operations from the Incident Command Post. The IC assumes overall responsibility for the incident once on scene and provides the authority for all operational efforts necessary to resolve the incident. Depending on the size and scope of the operation, the IC may also assume the role of the Tactical Commander.
  2. TACTICAL COMMANDER (TC): A Sheriff's Lieutenant assigned to the Tactical Operations Center. When available, the S.O.U. Commander will normally assume this role. The TC is responsible for tactical planning and execution of authorized courses of action that are put into effect to resolve an incident. The TC controls tactical units, negotiators, and any other units directly committed to the objective sight. The TC coordinates tactical operations at the objective site with the IC on a continuous basis through the entire operation.
  3. TACTICAL SERGEANT: S.W.A.T. Team Sergeant assigned to the Tactical Operations Center. The Tactical Sergeant reports directly to the Tactical Commander. The Tactical Sergeant is responsible for the overall supervision of the tactical aspects of the operation (i.e. S.W.A.T. Team). The Tactical Sergeant is responsible for deploying S.W.A.T. Team resources, developing a tactical plan and providing the Tactical Commander with tactical options. Once authorized courses of action are established, the Tactical Sergeant is responsible for executing those authorized courses of action. The Tactical Sergeant is responsible for keeping the Tactical Commander advised of the progress of the Tactical Operations.
  4. NEGOTIATIONS SERGEANT: An HNT Sergeant assigned to the Tactical Operations Center. The Negotiations Sergeant reports directly to the Tactical Commander. The Negotiations Sergeant is responsible for the overall supervision of the negotiations aspects of the operation (i.e. HNT Team). The Negotiations Sergeant is responsible for ensuring equipment requested by the Tactical Sergeant (throw phone, passive overhear devices, etc) is available upon request. The Negotiations Sergeant is responsible for keeping the Tactical Commander advised of the progress of the negotiations.
  5. INCIDENT COMMAND POST (ICP): The on-scene command post from which the Incident Commander functions. The ICP provides operational control over the entire incident, including the Tactical Operations Center. Depending on the size of the incident, the ICP may be established separately or in the immediate vicinity of the Tactical Operations Center.

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6. TACTICAL OPERATIONS CENTER (TOC): The on-scene command post from which the Tactical Commander and/or first supervisor on-scene functions. The TOC provides operational control, from the inner perimeter forward, over teams directly committed to tactical actions or negotiations. The TOC is generally established at the outside edge of the inner perimeter.

### 408.5 PROCEDURES FOR SPECIAL OPERATIONS UNITS

#### **408.51 ACTIVATION OF THE SPECIAL OPERATIONS UNIT**

The Special Operations Commander or his designee shall notify the Patrol Captain of any activation of the Special Operations Unit, S.W.A.T. or Sniper Team.

- (a) Emergency Situations: A Watch Commander can activate the Special Operations Unit for a critical incident. If time permits, a call will be placed to the Special Operations Unit Commander or his designee prior to activation. The process of activation for urgent matters will be through the S.W.A.T. Team "Call-Out Procedure" established in Dispatch.
- (b) Planned Event: Requests for use of the S.W.A.T. Team for planned events can be made by any Sheriff's Supervisor, manager or outside agency through the Special Operations Commander or S.W.A.T. Team Sergeant.
- (c) Critical Incident: These incidents shall be handled in a manner consistent with Department policies, utilizing a team approach employing techniques appropriate for the known circumstances and predicated on the experience, training, and resources of the team.
- (d) Hostage Negotiations Team Call-out: A Watch Commander can activate the Hostage Negotiations Team separate from the S.W.A.T. team or other S.O.U. groups, for emotionally disturbed or suicidal subjects who have not committed a crime and are not an immediate threat to others, or calls for service where the H.N.T. Team would be appropriate. The process for activation of H.N.T. will be through the Hostage Negotiations Call Out Procedure established in Dispatch. The Special Operations Commander shall be notified of any H.N.T. activation.
- (e) S.W.A.T. Snipers: By Mutual Agreement, Department S.W.A.T. Team Snipers may be called out by the Watch Commander to assist the Santa Rosa Police Department with a critical incident that their department is handling. After receiving the request from the Santa Rosa Police Department, the Watch Commander should contact the Special Operations Commander, or in his absence, a S.W.A.T. Sergeant. If a S.W.A.T. Sergeant is not available, contact a S.W.A.T. team Leader as designated on the Dispatch S.W.A.T. call-out procedure.

#### **408.52 MUTUAL AID REQUESTS**

The Sonoma County Sheriff's Department may respond to approved outside agency requests for S.O.U. for critical incidents. Outside Agency requests for S.O.U. shall be approved by the Special Operations Commander, or in his absence, the Watch Commander. The Watch Commander should consult with the S.W.A.T. Sergeant prior to activation of S.O.U. If the request is only for H.N.T., the Watch Commander should consult with the H.N.T. Sergeant prior to activation.

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- (a) All out-of-county requests for S.O.U. shall be approved by the Patrol Captain, or his designee, prior to activation.
- (b) If S.O.U. responds to an outside agency's request to handle a critical incident in the outside agency's jurisdiction, S.O.U. will normally take over the entire event (perimeter, H.N.T., etc). A supervisory or command level member of the outside agency should remain in the S.O.U. command post as a liaison. Requests to integrate various S.O.U. teams with another agency's personnel will be evaluated on a case-by-case basis.
- (c) Nothing in this policy is meant to prohibit or discourage S.O.U. personnel from responding to an in-progress emergency such as an Active Shooter where time does not permit waiting for an S.O.U. response.

### **408.53 INCIDENT COMMAND STRUCTURE DURING S.O.U. ACTIVATION**

The following is meant to provide a structure for managing a critical incident that requires an S.O.U. response. It is understood that these are difficult situations involve rapidly changing events, and members may have to assume roles outside their normal duties.

- (a) The first on-scene supervisor shall, as soon as practical, establish a TOC. The TOC should be located at the outer edge of the inner perimeter, in a location safe from possible suspect's fire.
- (b) The first on-scene supervisor is responsible for conducting operations at the incident site until relieved by the Tactical Commander, or higher ranking member. The first arriving S.W.A.T. Sergeant may assume the role of Tactical Commander until relieved by a Lieutenant, or higher ranking member.
- (c) If the S.O.U. Commander is available, he will normally assume the role of Tactical Commander. Otherwise, the on-call Sheriff's Lieutenant shall become the Tactical Commander.
- (d) Depending on the size, scope and duration of the operation, the roles of the Tactical Commander and Incident Commander may be combined. If the situation dictates, and there is only one Lieutenant on-scene, he may call in another Sheriff's Lieutenant (or higher ranking member) to become either the Tactical Commander or Incident Commander, depending on the member's experience in these situations.
- (e) If there is a separate Incident Commander, he shall establish an ICP. The ICP may be at a separate location or co-located near the TOC, depending on the size and complexity of the operation.
- (f) The IC may call in additional resources consistent with the Incident Command System, to assist with the overall operation.

### **408.54 USE OF FORCE**

While the Incident Commander may exercise specific rules of engagement, in all cases they will comply with the Department's Use of Force and Firearms Policies. In the event that no specific rules of engagement have been specified, members shall operate under the Department's Use of Force and Firearms policy.

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### **408.55 OPERATIONAL ORDER**

Operational orders shall be developed and implemented for all operations where prior notice allows sufficient time for the formation of an order. Operations orders shall be reviewed and approved by a S.W.A.T. Sergeant. Operational Orders shall be filed with the incident's After Action Report. A copy of the current Operations Order form shall be included in the S.W.A.T. team manual.

### **408.56 AFTER ACTION REPORT**

Each operation shall have an After Action Report that will be approved and maintained by either the S.W.A.T. or the H.N.T. Team Sergeants, dependent on the respective call.

### **408.57 REPORT RETENTION PERIOD**

With the exception of cases that are involved with civil or criminal litigation, After Action Reports shall be retained for five years. In January of each year, the S.W.A.T. or H.N.T. Sergeant shall review the After Action Reports and purge reports over five years old.

### **408.58 CRITIQUE**

Upon completion of all operations and significant training events, the S.O.U. Commander, or his designee, will conduct an after action critique with all team members present. The purpose for this review is to discuss the events of the overall tactical operation and create a forum for team members to offer constructive criticism to improve the effectiveness of the team.

## 408.6 S.W.A.T. SPECIAL WEAPONS STORAGE POLICY

### **408.61 ON-DUTY S.W.A.T. MEMBERS**

S.W.A.T. Members are encouraged to carry their assigned special weapon in their vehicle during their shift. These weapons shall be locked in the trunk, unless their vehicle has an electro-lock for the weapon, in which case it may be secured in the electro lock.

### **408.62 OFF-DUTY S.W.A.T. MEMBERS**

- (a) Special Weapons shall be stored in the S.W.A.T. Locker, except under the following conditions:
1. Assigned Vehicle: S.W.A.T. members with assigned vehicles may store their special weapons in the locked trunk or vehicle electro-lock if so equipped.
  2. Member's residence: Members are discouraged from storing special weapons in/at their residences. A member may choose to store a special weapon in/at their residence if it is securely locked in a gun safe or similar secure, theft resistant device.

## 408.7 SELECTION AND PROFICIENCY STANDARDS

### **408.71 S.O.U. COMMANDER**

The S.O.U. Commander shall be appointed by the Patrol Captain.



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## **408.72 SWAT TEAM MINIMUM QUALIFICATION AND SELECTION PROCESS**

- (a) S.W.A.T. Team candidates must be a Deputy Sheriff II off probation at the time of appointment. Candidates will take a physical test, firearms test, and interview, consistent with the duties and responsibilities of a S.W.A.T. Team Member. Candidates who pass the S.W.A.T. testing process will be placed on an eligibility list.
- (b) Candidates are required to reside within one hour's driving time to the Main Office.
- (c) S.W.A.T. members shall be selected from the eligibility list by the Special Operations Unit Commander.
- (d) S.W.A.T. Sergeants shall be appointed by the Patrol Captain.

## **408.73 S.W.A.T. TEAM PROFICIENCY STANDARD**

A S.W.A.T. Team member is required to respond to critical incidents that often require physical and mental conditioning above and beyond the normal expectations of a Deputy Sheriff. Therefore, S.W.A.T. Team members are expected to maintain a high degree of physical fitness and firearms proficiency.

- (a) S.W.A.T. team members are expected to meet the standards set forth in the S.W.A.T. manual and earn at least a standard evaluation in all aspects of their employment. Members who fail to meet this performance standard may be dismissed from the team.
- (b) Physical agility and firearms testing will be conducted at least once per year.
- (c) Physical agility and firearms testing requirements shall be maintained in the S.W.A.T. Manual.
- (d) Members who are unable to pass the firearms proficiency exam shall be given four weeks to remediate. Failure to successfully pass the test after such time may be cause for dismissal from the team. Members who fail to pass the firearms proficiency exam may be used in an administrative role, but shall not be deployed tactically until they successfully pass the test.
- (e) Members who fail to pass the physical agility test due to poor conditioning shall be given four weeks to remediate. Failure to successfully pass the test after that time may be cause for dismissal from the team. Members who fail to pass the physical agility test may be used in an administrative role, but shall not be deployed tactically until they successfully pass the test.
- (f) Members who are unable to complete the physical agility test due to an industrial injury/illness:
  - 1. Members shall immediately notify their S.W.A.T. Sergeant of any industrial injury/illness that prevents members from completing the S.W.A.T. physical agility test and provide medical documentation in support. The S.W.A.T. Sergeant shall so notify the S.O.U. Commander as soon as practical.
  - 2. If a member has not been approved for Transitional Duty, he may not participate in call-outs and/or training.
  - 3. If a member has been approved for Transitional Duty, or cleared for "regular" duty, but restricted by their physician from completing the S.W.A.T. physical test, the S.O.U. Commander may place the member on an Inactive Status,

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- depending on the severity of the injury/illness and the restrictions placed by a physician.
4. Inactive members may, consistent with the above-listed restrictions and Department policy, be used in administrative roles during call-outs or training.
  5. Once cleared for full, unrestricted duty (including the S.W.A.T. physical agility test), members will be given at least four weeks to complete the S.W.A.T. physical agility test. Members may be in an Inactive Status for up to one year if supported by a physician's note. At the conclusion of one year from date of injury/illness, members will be given four weeks to complete the S.W.A.T. physical agility test. Failure to complete the S.W.A.T. physical agility test after one year plus four weeks shall be cause to remove the member from the team.
  6. Members who are removed from the team under this section may apply for future team openings.
- (g) Members who are unable to complete the physical agility test due to a non-industrial injury/illness:
1. Members shall immediately notify their S.W.A.T. Sergeant of any non-industrial injury/illness that prevents members from completing the S.W.A.T. physical agility test, and provide medical documentation in support. The S.W.A.T. Sergeant shall so notify the S.O.U. Commander as soon as practical.
  2. If a member has not been approved for Transitional Duty, he may not participate in call-outs and/or training.
  3. If a member has been approved for Transitional Duty, or cleared for "regular" duty, but restricted by a physician from completing the S.W.A.T. physical agility test, the S.O.U. Commander may place the member on an Inactive Status depending on the severity of the injury/illness and restrictions placed by the physician.
  4. Inactive members may, consistent with the above restrictions and Department policy, be used in administrative roles during call-outs or training.
  5. Members shall be given six months from the date of injury/illness to successfully complete the S.W.A.T. physical agility test. The S.O.U. Commander may extend the recovery time an additional six months depending on the severity of the injury, prognosis for recovery, and needs of the Department (e.g., whether other S.W.A.T. members are injured). The total time from the date of the injury shall not exceed one year.
  6. Members who are removed from the team under this section may apply for future team openings.
- (h) Members who are removed from the S.W.A.T. Team pursuant to this policy may appeal the decision to the Law Enforcement Assistant Sheriff.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *408 - Special Operations Unit*

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### **408.74 H.N.T. MINIMUM QUALIFICATION SELECTION PROCESS**

- (a) Candidates must have a minimum of three years law enforcement experience and be off probation at the time of appointment to the team.
- (b) Candidates are required to reside within one hour's driving time to the Main Office.
- (c) Candidates shall participate in an interview and skills test consistent with the duties of a negotiator. Candidates who pass the testing process will be placed on a ranked list.
- (d) H.N.T. Team members shall be selected by the Special Operations Commander.
- (e) H.N.T. Sergeants shall be selected by the Patrol Captain.
- (f) H.N.T. members who fail to maintain the standards of the H.N.T. may be dismissed from the team.

### **408.75 TACTICAL SUPPORT SELECTION PROCESS**

- (a) Technical Team Members shall be selected by the S.O.U. Commander based on the recommendations from current Technical Team Members of the individual's technical skills and suitability for the position.
- (b) Tactical Dispatchers shall be selected by the S.O.U. Commander based on recommendations of the Technical Team Leader regarding the individual's skills and suitability for the position. The Technical Team Leader may conduct testing necessary to evaluate candidates.
- (c) Paramedics shall be selected by the S.O.U. Commander based on recommendations from the S.W.A.T. Sergeant(s) regarding the individual's skills and suitability for the position. S.W.A.T. Sergeant(s) may conduct testing necessary to evaluate the candidates.
- (d) Tactical Support Members or Paramedics who fail to maintain the standards of their unit may be dismissed from the team.

### **408.8 TEAM MANUALS**

S.W.A.T. and H.N.T. Sergeants shall maintain Team Manuals for their prospective team.

### **408.81 THE TEAM MANUAL SHALL INCLUDE THE FOLLOWING AREAS**

- (a) Personnel (i.e. minimum qualifications, selection, and performance standards) plus information on paramedics (to be included in the S.W.A.T. manual) and Technical Team/Technical Dispatch (included in the H.N.T. manual);
- (b) Training (i.e. minimum monthly training standards, physical standards, shooting test standards, and yearly training plan);
- (c) Equipment (i.e. authorized uniform and equipment, required safety equipment, and equipment replacement schedule);
- (d) Operational Deployment Procedures; and
- (e) Other information deemed necessary by the Team Sergeant or S.O.U. Commander.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *408 - Special Operations Unit*

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### **408.82 REVIEW**

Team Sergeants shall review their manuals each January and update them as necessary to ensure they remain current.

### 408.8 APPROVAL

The S.O.U. Commander shall approve the Team Manuals, and any changes thereto, prior to distribution to team members.

## 409 - Explosive Breaching

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the utilization of explosive breaching for tactical and other specialized applications and for the operation of the Sonoma County Sheriff's Department's Breaching Unit.

### 409.2 BACKGROUND

The Sonoma County Sheriffs Department's S.W.A.T. mission is to provide tactical support in situations where a critical incident escalates beyond the capabilities of field units. The goal of this unit is the safe and non-violent resolution of those incidents. On occasion it may become necessary for a S.W.A.T. Team to execute an entry in a hostile environment. It is critical that the point of entry be breached as quickly and safely as possible. An immediate and positive breach is but one key to a successful tactical mission designed to reduce the chances of a violent encounter.

Explosive breaching, the "tactical use" of explosive materials to effect a breach, can be an effective option in S.W.A.T. operations. An explosive breach is not a bomb and should not be viewed as such, but rather as an industrial tool. An effective breach is a tool designed to use the minimal amount of explosives to achieve 100% penetration, 100% of the time. Effective breaching techniques allows tactical teams immediate entry with the minimal risk to themselves, the victims and the suspects.

In addition, explosive breaching techniques are not limited to tactical operations. In the event of civil disasters, for example, explosive breaching may be employed to rescue victims entrapped in buildings or other structures where conventional access is restricted or unavailable.

### 409.3 DEFINITIONS

**CRITICAL INCIDENT:** For the purposes of this policy, the definition of critical incident is the same as in Law Enforcement Manual Section 408 – Special Operations Unit, See § 408.4 of the Law Enforcement Manual for a detailed definition.

**EXPLOSIVE BREACH:** The positive use of explosive materials to create an opening through a wall, door or barrier to allow access by a tactical/rescue team.

**BREACHER:** A Bomb Technician currently assigned to the Sonoma County Sheriff Explosives Unit (Bomb Unit), who is trained and certified in the construction, placement and initiation of explosive breaching devices.

**ASSISTANT BREACHER:** Also a Bomb Technician assigned to the Bomb Unit or a member of the S.W.A.T. team who works and trains in breaching techniques under the direction and supervision of the Bomb Unit. The Assistant Breacher can assist in the construction, placement and initiation of an explosive breaching device when directed by the Breacher.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *409 - Explosive Breaching*

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**BREACHING UNIT:** Members of the Department's Bomb Unit and S.W.A.T. Team who train regularly and are proficient in Explosive Breaching techniques. These members are also referred to as Breachers and Assistant Breachers.

**EXPLOSIVE BREACHING DEVICES:** A construction of explosive materials created for the specific purpose of using explosives as an industrial breaching tool.

### 409.4 PROCEDURES

Explosive breaching is a S.W.A.T. team tactical option and can be employed when a rapid entry is critical to the success of the mission. A "breach and delay" situation is an explosive breach where the tactical advantage is gained when a rapid entry is not desirable. The option to use an explosive breach shall be at the discretion of the S.W.A.T. Team commander or designee.

- (a) The construction of all explosive breach devices shall be constructed by or supervised by a Bomb Unit Breaching Technician, also referred to as the Breacher.
- (b) Scouting and target analysis is a pre-breach responsibility of the Breacher and/or the Assistant Breacher.
- (c) Construction of the explosive breaching device varies upon completion of target analysis. Each device is designed, in composition and construction, on the breaching needs, past training and experiences of the Breacher.
- (d) Prior to setting the explosive breach, the Breacher will present a briefing to the S.W.A.T. Commander and all involved team members.
- (e) The Breacher or Assistant Breacher (at the direction of the Breacher) shall perform the placement of an explosive breaching device.
- (f) Placement of the entry team during the explosive breach will be the responsibility of the S.W.A.T. team leader with input from the Breacher and the Assistant Breacher.
- (g) Each tactical situation will dictate the best initiation sequence of the explosive breach. This may include a verbal countdown, if safety of the team is not compromised.
- (i) At the conclusion of the mission, the Breacher and/or Assistant Breacher shall submit a "Breachers Report," entailing the situation requiring the explosive breach and the composition of the breaching device. A copy of all Breacher's Reports and training will be kept in a Breacher Notebook maintained by the Bomb Unit.

### 409.41 CONSIDERATIONS

- (a) Explosive breaching is a valuable and useful tool which may not be appropriate in all breaching situations. An explosive breach should not be employed when:
  - 1. The construction of the doors, walls or building are unknown.
  - 2. The locations of the occupants/victims are not known.
  - 3. There is a presence of flammable/unstable chemicals or other incendiary materials.
  - 4. Other means of mechanical breaching techniques (i.e., "ram," Halogen, etc.) are effective and safe to use.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 409 - Explosive Breaching

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5. The breacher has not trained and been documented as proficient in the type of charge needed on a similar target size.

### 409.42 SAFETY PROCEDURES

- (a) All explosives shall remain in control and stored by members of the Bomb Unit.
- (b) EMT's and/or Paramedics should be present during all missions where explosive breaching techniques are to be performed.
- (c) The handling and use of explosive materials shall be conducted in a safe and reasonable manner.
- (d) The designated Breacher or Assistant Breacher will be in control of the initiating device at all times to prevent unintentional detonation.
- (e) The Breacher or Assistant Breacher will be responsible for construction, placement and initiation of the explosive breaching device.
- (f) Double priming will be a standard procedure to ensure positive initiation.
- (g) Safety clothing will be carried by all members of the entry "Stack" during training and missions. This will include, but is not limited to helmet, gloves, eye protection, boots, long sleeved shirt, hearing protection, ballistic vest and gas mask or respirator.
- (h) In the event that **any injury requiring medical attention** is sustained during a mission where an explosive breach was utilized, a member of the Department will accompany the injured person to the treating facility. This Department member will remain with the injured party throughout the duration of treatment as to supply medical staff with all pertinent information needed regarding how the injury was sustained.

### 409.43 HANDLING OF MISFIRES

- (a) Handling of misfires and non-functioning breaching devices are the responsibility of the Breacher.
- (b) In the event of a misfire, the Breacher or Assistant Breacher will re-cock the initiator and fire the device again.
- (c) In the event of a second misfire, the Breacher or Assistant breacher will call for a secondary breach, after which the Breacher will remove the breaching device and place it safely away from team members.
- (d) A method of allowing remote control removal of the breaching device will be utilized whenever possible.
- (e) The breacher will be responsible for security of the removed device and for the subsequent disposition of it.

### 409.5 TRAINING AND DOCUMENTATION

- (a) All Breachers will attend an accredited 40-hour "Explosive Breaching" course prior to performing operational breaches of any kind. All Breachers shall train on a quarterly basis. This training will entail a minimum of one explosive breach.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *409 - Explosive Breaching*

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- (b) Explosive breach training is perpetual and will be coordinated and conducted quarterly (at a minimum) by the Bomb Unit for all Breachers and Assistant Breachers. The S.W.A.T. Team, incorporating both the Breaching Unit and Tactical Team, will conduct additional semi-annual training utilizing an explosive breach.
- (c) All Breachers and Assistant Breachers will maintain a Breacher's logbook and complete a "Breacher's Report" whenever explosive breaching devices are used in training or during actual operations. A copy of this report will also be placed into a "Breacher's Notebook" maintained by the Bomb Unit for documentation purposes.



## 410 - Ride-Along Policy

### 410.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department ride-along program provides an opportunity for citizens to experience the police function first hand. This policy provides the requirements, approval process, and hours of operation for the ride-along program.

#### **410.11 ELIGIBILITY**

The Sonoma County Sheriff's Department ride-along program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 18
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### **410.12 AVAILABILITY**

The ride-along program is available on most days of the week, with certain exceptions established by the Watch Commander.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be approved by a patrol Watch Commander and scheduled by a patrol sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California Driver's License, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along form. Ride-along applicants under the age of 18 can only be approved by the Sheriff. The only exception to this rule is if the applicant is a bona-fide member of the Sonoma County Sheriff's Department Explorer Program, in which case the Watch Commander may approve.

The Sergeant will schedule a date, based on availability. The completed waiver will be forwarded to the respective Watch Commander as soon as possible, for his or her scheduling considerations.

All approved ride-along forms will be maintained in a file at the front counter of the Sheriff's Department.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *410 - Ride-Along Policy*

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If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

### **410.21 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than twice per calendar year. An exception would apply to the following: Chaplains, Police Applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the Deputy's vehicle at a given time.

### **410.22 SUITABLE ATTIRE**

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Watch Commander or Field Supervisor may refuse a ride-along to anyone not properly dressed.

### **410.23 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 on-duty watch commander. In the event that such a ride-along is permitted, the off duty member 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.

### **410.24 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 Sonoma County Sheriff's Department). CLETS Policies, Practices and Procedures Manual §1.6.1.D.3.

## **410.3 DEPUTY'S RESPONSIBILITY**

The Deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation, and as soon as practical, have another police unit respond to pick up the participant at this location. The ride-along may be continued or terminated at this time.

## **410.4 CONTROL OF RIDE-ALONG**

The assigned member shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the Deputy.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *410 - Ride-Along Policy*

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- (c) The ride-along may terminate the ride at any time and the Deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the Deputy's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Ride-alongs are not permitted to bring or use tape recorders or cameras during their ride-along.
- (g) Deputies will not allow the ride-along to enter private property without the consent of the property owner or person who is in control of the property.
- (h) Ride-alongs will comply with all rules and directives as outlined in the Ride-along Information/Application Brochure and this policy.

## 411 - Loud Parties/Gatherings

### 411.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for responding to disturbances or nuisances resulting from unreasonably loud parties or similar gatherings. The Sheriff's Department may, at the discretion of the Deputy, enforce the County Ordinance regulating an unabated disturbance or nuisance. If the Deputy chooses to enforce the ordinance, the following procedures shall apply.

### 411.2 PROCEDURE

#### (a) Initial Response, Deputy:

1. Advise the responsible individual that the party/gathering is considered to be a disturbance in violation of Penal Code § 415.
2. Ensure that any entry into a residence is in strict compliance with current law.
3. Inform the responsible individual that a service fee will be charged for all county personnel and equipment costs connected with any second or subsequent meritorious response to the disturbance, as well as other associated costs, and that any second response will result in dispersal of the party/gathering with violators subject to arrest and/or citation.
4. Provide a completed NOTICE-FIRST RESPONSE TO DISTURBANCE OR NUISANCE form to the responsible individual. If the person refuses to sign, indicate "refused" in the signature space, and leave the copy.
5. Upon completion of the call, advise Dispatch of the disposition, and inform the supervisor. Provide the shift supervisor with the department's copy of the Notice upon completion of the shift.
6. The Patrol Supervisor will ensure that the Notice has been fully and accurately completed, and advise the on-coming Patrol supervisor of the incident and provide a copy of the Notice.

#### (b) Subsequent Responses to Disturbance Call:

1. Deputies will confirm NOTICE-FIRST RESPONSE Form was issued, and take action to disperse the party/gathering.
2. A VIOLATION FOR UNABATED DISTURBANCE OR NUISANCE form will be issued to the responsible individual. If the person refuses to sign, indicate "refused" in the signature space, and leave a copy.
3. Inform the Patrol supervisor of the incident.
4. Provide all documentation (including incident report, First Response Notice, violation form) to the shift supervisor no later than completion of shift.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *411 - Loud Parties/Gatherings*

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(c) Patrol Supervisor:

1. Forward copies of all documentation to the Watch Commander, including:
  - (a) All related CAD (Computer Aided Dispatch) printouts
  - (b) Incident/crime report as appropriate (with estimate of report preparation time)
  - (c) Notice issued on first response
  - (d) Violation form for subsequent response
  - (e) Pre-booking form(s) if any arrests were made

(d) Watch Commander:

1. Review all documentation, and if the incident involved use of any special equipment, damage to county property, and/or injury to county personnel, include the appropriate documentation to support additional charges associated with these items. Summarize the total Deputy time to be billed. Ensure that the hours being charged reflect an appropriate level of response to the specific incident.
2. Forward completed documentation to the Accounting Unit.

## 414 - Hostages & Barricaded Suspects

### 414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

#### 414.11 DEFINITIONS

**HOSTAGE** – A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

**BARRICADED SUSPECT** – A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

### 414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

### 414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first Deputy on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel; (Unless circumstances dictate otherwise, i.e. active shooter, etc.)
- (b) notification of tactical and hostage negotiation personnel;
- (c) notification of appropriate persons within and outside the agency, such as command Deputies, dog handlers, or helicopter pilots;
- (d) establishment of inner and outer perimeters;
- (e) evacuation of bystanders and injured persons;
- (f) establishment of central command post and appropriate chain of command;
- (g) request for ambulance, rescue, fire and surveillance equipment;
- (h) authorization for news media access and news media policy;

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *414 - Hostages & Barricaded Suspects*

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(e) pursuit/surveillance vehicles and control of travel routes.

### 414.4 REPORTING

Unless otherwise relieved by a supervisor, the initial Deputy at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

## 415 - Active Shooter Policy

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth procedures to be used by the Sonoma County Sheriff's Department in the handling of active shooter situations and to develop techniques and tactics which are swift, decisive and organized so that these incidents may be resolved with maximum safety and as rapidly as possible, neutralizing the active threat to life.

### 415.2 DEFINITIONS

#### (a) Active Shooter

1. An "Active Shooter" is defined as one or more subjects who participate in a random or systematic shooting spree demonstrating an intent to continuously harm others. Their overriding objective appears to be mass murder rather than some other criminal conduct (i.e., robbery, hostage taking, etc.). Incidents such as Littleton, Colorado; Springfield, Oregon; or Jonesboro, Arkansas are examples of an "active shooter."
2. Consider the suspect(s) an "active shooter" if, after law enforcement arrives, the suspect is still actively shooting, has access to additional potential victims, injured victims require life saving medical attention or an immediate, active response would be required to save lives.
3. "Active Shooters" may be heavily armed (i.e., explosives, booby traps and body armor).
4. "Active Shooters" may have a planned attack and be prepared for a sustained confrontation with law enforcement.

#### (b) Immediate, Active Response

1. An immediate, active response is defined as, "The swift and immediate deployment of law enforcement resources to ongoing, life threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons." This is not to be confused with, or substituted for, conventional response tactics to a barricaded or hostage situation.

### 415.3 AGENCY RESPONSE TO AN ACTIVE SHOOTER

#### 415.31 INITIAL OFFICER

- (a) The "initial officer" is the first law enforcement officer on scene. He should establish an Incident Command Post. Incident Command responsibility can be delegated to another officer if desired.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *415 - Active Shooter Policy*

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- (b) He should request all appropriate resources (additional patrol units, SWAT, EOD, etc.) while broadcasting all pertinent information.
- (c) Determine if an immediate, active response is necessary.
- (d) The following information should be determined/broadcasted by the Initial Officer.
  - 1. Location and number of suspects.
  - 2. Type(s) of weapons involved.
  - 3. Type of location involved.
  - 4. Safe approach routes.
  - 5. Command Post location.
- (e) Assemble a Contact Team to respond immediately to the "active shooter." Someone should be assigned as the Team Leader of the Contact Team, preferable a SWAT Team member or a senior officer. It may be necessary to assemble several Contact Teams.
- (f) Form some type of perimeter to contain suspects.
- (g) Assemble a Rescue Team when enough personnel become available.
- (h) Assign a deputy to secure a safe, secure location for those civilians who are evacuated (NOTE: Suspects may attempt to pose as evacuated civilians).

### **415.32 CONTACT TEAM**

- (a) The priority of the Contact Team is to locate and stop the deadly behavior of the "active shooter."
- (b) The Contact Team(s) should attempt to limit the suspect(s)'s movement and prevent escape.
- (c) Move directly toward the threat.
- (d) The Contact Team(s) must continue past victims.
- (e) Maintain communications with the Command Post to indicate direction of travel, victim locations, and suspect(s) location.
- (f) The Contact Team should be made up of the following members:
  - 1. Team Leader—Officer assigned to delegate team member responsibilities, formulates and implements plans.
  - 2. Assistant Team Leader—Officer who communicates with Command Post. May be assigned the responsibility covering the team "six," that direction through which the team has already moved.
  - 3. Contact Officer—Officer who conducts searches or engages suspect if necessary.
  - 4. Cover Officer—Officer who is responsible for covering the Contact Officer. Provides cover during entry and egress if necessary.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *415 - Active Shooter Policy*

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5. Consider selecting deputies for the Contact Team that have experience, special training, offensive weapons, etc.
- (g) Movement is made in a direction, in conjunction with other Contact Teams to "shrink the perimeter" and locate the suspect(s).

### **415.33 RESCUE TEAM**

- (a) The objective of the Rescue Team is to recover victims. If multiple victims are present, the Rescue Team should ask the Command Post to increase the number of Rescue Teams.
- (b) The Rescue Team may be made up with the same number of personnel as the Contact Team – dependant on the situation. Ideally it should also have a Team Leader and Assistant Team Leader.
- (c) The Rescue Team should enter and/or approach the location to locate victims.
- (d) The Rescue Team should extract victims to a safe area, and notify the Command Post of that location.

### **415.34 WATCH COMMANDERS/SERGEANTS**

- (a) When you arrive, assume control of the Command Post. Since Contact Teams may have already been inserted, use additional law enforcement personnel to establish a perimeter.
- (b) Set up an emergency response zone for fire and EMS, as well as establishing a corridor for their responses.
- (c) Activate an Incident Command System (Incident Commander, Logistic officer, intelligence officer, public information officer, etc...)

### **415.35 DISPATCH**

- (a) Once advised of an "active shooter" incident by personnel on scene or based upon information received from the public, clear a channel and advise all units of such. Notify other agencies immediately by radio or phone.
- (b) Advise all units of the location, specific threats, shots fired, suspect description, location of the reporting party, injuries and any other pertinent information.
- (c) Confirm that the Watch Commander/Field Supervisor is aware/enroute to the scene.
- (d) Advise all available units to respond.
- (e) Notify fire and EMS. Determine if Sonoma County Sheriff Department's helicopter (Henry-1) and/or CHP Air Support Services are available.
- (f) Notify those within your agency that need to be notified (administration, management, etc.).
- (g) Maintain limited traffic on the main channel.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *415 - Active Shooter Policy*

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### **415.36 SWAT TEAM COMMANDERS**

- (a) Have members respond directly to the incident.
- (b) Assemble your team as fast as possible, if necessary use smaller teams.
- (c) Once on scene, and in coordination with the Command Post, move your team directly towards the threat.
- (d) Shrink the inner perimeter with those established Contact Teams.
- (e) Move to the threat as quickly as possible, without stopping to render first aid or assistance to anyone unless an unusual circumstance present itself and necessitates departure from the usual pre-agreed upon standard operation procedure.

### **415.37 SUBSEQUENT LAW ENFORCEMENT PERSONNEL RESPONSE**

- (a) Respond to the Command Post so that staging, assignment, and/or deployment can be made.
- (b) Radio traffic should be kept to a minimum so that dispatch and the initial Deputies can give out vital information.
- (c) Additional Deputies can be used to form a perimeter, deal with the public, gather intelligence, etc...

### **415.38 ALLIED AGENCY RESPONSE**

- (a) Other responding agencies should coordinate with the primary agency prior to deployment by responding to the Command Post for assignment.
- (b) Incident Command will be the responsibility of the agency that has jurisdiction.
- (c) Separate Command Post may be established as needed (i.e., for SWAT, fire, EMS), but representatives from those Command Posts need to be in the Incident Command so that communication can be maintained.

## 416 - Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Department personnel to call out the Bomb Squad, explain the responsibility of the Bomb Squad, establish call procedures and provide guidelines for personnel having initial contact with explosive ordnance. For the purpose of this section, explosive device includes but is not limited to any explosive material, military ordnance or modified pyrotechnic devices.

### 416.2 BACKGROUND

The Sonoma County Sheriff's Department Bomb Squad provides trained personnel to respond to and render explosive devices safe.

### 416.3 DEFINITIONS

**Bomb Squad Manager:** A Lieutenant charged with overall management responsibilities of the Bomb Squad.

**Bomb Squad Sergeant:** A Sergeant charged with overall supervisory responsibility of the Bomb Squad. The Bomb Squad Sergeant reports directly to the Bomb Squad Manager.

**Bomb Squad Commander:** The senior ranking member of the Bomb Squad who is a FBI certified bomb technician.

**Bomb Technician:** Is a trained certified bomb technician who has attended the FBI Basic Hazardous Devices School. A deputy waiting to attend the basic Hazardous Devices School will be treated as a trainee until such school has been completed.

### 416.4 BOMB SQUAD QUALIFICATION AND SELECTION

- (a) Bomb Squad candidates must be off probation, have a minimum of five years law enforcement experience prior to attending the Hazardous Devices School and have a minimum of five years remaining before they retire after completing the Hazardous Devices School. Candidates will take a physical agility test, a bomb suit test, a Haz Mat suit test, a FBI and OSHA physical examination and an interview.
- (b) Each candidate must be able to qualify for a Federal Government Secret clearance.
- (c) Candidates are required to reside within one hour driving time to the Main Office.

#### 416.41 BOMB SQUAD PROFICIENCY STANDARD

All bomb technicians are required to respond to critical incidents that require physical and mental conditioning above and beyond the normal expectations of a Deputy Sheriff. Therefore, bomb technicians are expected to maintain a high degree of physical fitness.

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- (a) Physical agility testing will be conducted at least once per year. Bomb technicians unable to pass the physical agility test shall be given four weeks to remediate. Failure to pass after the remediation shall be grounds for dismissal. Bomb technicians unable to pass the physical agility test due to an industrial injury may not participate in call outs.
- (b) Physical OSHA and FBI examination shall be conducted once per year.
- (c) All bomb technicians shall attend the bomb technician recertification course at the FBI Hazardous Devices School every three years.

### 416.5 PROCEDURES

- (a) Bomb Squad Call-Outs: A current call-out list of Bomb Squad personnel shall be maintained within the CAD System and with the Sonoma County Sheriff's Department Dispatch Center.
- (b) Suspected Explosive Devices: Anytime a suspected device/suspicious object are found, the Bomb Squad shall be called out.
  - 1. Call-out Sequence:
  - 2. The on call primary bomb technician shall be notified first by the Dispatch Center to determine if a call-out is necessary.
  - 3. Additional Bomb Technicians may be requested by any on-scene Bomb Technician.
  - 4. Call-out Responsibility:
  - 5. The on-duty Watch Commander shall be notified anytime that the Bomb Squad is called out for an explosive incident.
  - 6. Outside Agency Call-out – the Bomb Squad responds all explosive incidents in the County of Sonoma whether it is in an unincorporated area or incorporated city.

### 416.6 OPERATIONAL GUIDELINES

Operations involving actual or suspected explosive devices require highly trained and skilled personnel to render them safe. To assist the Bomb Squad in successfully completing their task, initial patrol units at the scene of a bomb threat or suspected device shall use the following guidelines:

- (a) An initial patrol unit(s) shall be dispatched to determine if the call is a bomb threat or an actual suspected explosive/suspicious device.
  - 1. Responding units should restrict radio traffic and notify dispatch of their arrival several blocks prior to arriving.
  - 2. If the call is a bomb threat, ascertain from the owner or representative of the business if they are going to conduct a search and/or evacuation of the premises. It is the decision of the owner or their representative to evacuate whenever there is a bomb threat. Persons working on the premises are more familiar with their surroundings and will recognize any item that is out of place. Therefore, employees of the facility should conduct the search of the

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premises accompanied by the patrol unit. Do not request the Bomb Squad for routine searches. They shall be called out only after a suspicious object or suspected explosive device is located. In special circumstances the Bomb Squad is available for VIP and high risk vehicle searches, as well as commercial aircraft. The Bomb Squad is responsible to render a device or suspected item safe, and conduct a search for secondary devices.

3. When a suspected explosive device or suspicious object is located, the deputy will isolate the device, evacuate the surrounding area and establish a perimeter. The safe distance for evacuation is a position of at least 100 yards from the device, and behind cover.
4. Notify the Dispatch Center as soon as possible that a suspected device has been located. If possible, notification should be made using a telephone (not cellular phone) rather than your radio.
5. Notify the on-duty supervisor.
6. Request the Bomb Squad.
7. Locate a suitable site for a command post and advise dispatch of its location.
8. Locate a staging area for ambulance and fire.
9. Notify the Communication's Center of a safe direction of egress for responding public safety units to approach. Notify the Communications Center to have all responding public safety units restrict radio traffic in the surrounding area.
10. Bomb blankets or any other objects shall not be placed on or near the suspected device. No attempt shall be made to move, touch and/or examine any suspected explosive device or suspicious package.
11. Upon arrival, the Bomb Squad personnel will establish an inner perimeter and assume control of the suspected device. The deputies on-scene shall maintain the outer perimeter until released by Bomb Squad personnel.
12. If an explosive device has exploded, the Bomb Squad shall be notified as soon as possible. All emergency actions shall be taken to preserve life and property. An effort shall be made not to disrupt or contaminate the crime scene.

### (b) Responsibilities

1. Call Taker:
  - (a) Obtain as much information as possible from the party reporting any explosive device (description of the object, sounds, size, etc.).
  - (b) Maintain radio control of responding units.
  - (c) Notify the on-duty Watch Commander of all Bomb Squad call-outs.
  - (d) If there is an on-duty Bomb Technician, they shall be sent to the call as soon as possible to evaluate the situation.
  - (e) If there is a call-out and a Bomb Technician is not on-duty, page them. If there is no response call them at home. It will be the bomb

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technician that is first up on call to determine if additional Bomb Squad personnel will be called out. A current call-out list of allied department Bomb Squads is maintained in the Department CAD System under the Information Index i.e. FBI and ATF.

### 2. Initial Patrol Units:

- (a) The patrol vehicle's radio has the potential of setting off a radio controlled or electrically initiated explosive device. Prior to arriving at the scene of a suspicious object or suspected explosive device, notify Dispatch of your arrival and that you will not be in radio contact. Conduct all communication over landline telephone. Do not use a cellular phone.
- (b) If the call is a bomb threat, ask the owner of the property or his representative if they would like to evacuate. It is their decision to make, prior to the location of any suspicious device. The owner or their representative is responsible for conducting and/or coordinating the search of the premises. Patrol Deputies may assist in the search if accompanied by a representative of the business.
- (c) If a device or suspicious object is located, evacuate and establish a perimeter. Use a minimum of 100 yards if cover can be found, or 300 yards if no cover is available.
- (d) Attempt to locate witnesses and have them remain at the scene until the Bomb Squad releases them.
- (e) When the Bomb Squad arrives, maintain the outer perimeter. Do not enter the inner perimeter unless directed to do so by a Bomb Technician.
- (f) A crime report shall be written to document the incident. A copy of the report shall be forwarded to the Bomb Squad.
- (g) Be aware there may be secondary devices in the area.
- (h) Found explosive or military ordnance of any type shall be handled only by the Bomb Squad.

### 3. Patrol Sergeant

- (a) Supervise the evacuation of the area, and the establishment of an outer perimeter.
- (b) Establish a command post, if one has not already been established.
- (c) Detain any person who may possess pertinent information for questioning by the Bomb Squad.

### 4. Watch Commander/Ranking Officer

- (a) If an actual explosive device is located, confirm that a command post has been established. Confirm that the Bomb Squad has been called out.
- (b) Ensure that a Press Release of the incident is completed.

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### 5. Bomb Squad

- (a) Ensure that the outer perimeter is established and far enough away from the device.
- (b) Assume control of the inner perimeter and the area surrounding the suspected explosive device.
- (c) Coordinate with the command post if additional equipment or manpower is needed.
- (d) Only a Bomb Technician shall determine action necessary to render the device safe. When rendering a device safe, the preservation of life is paramount. The protection of property shall be secondary.
- (e) Request an ambulance and fire unit stand by in the event of a fire or an accidental detonation of the device. Establish a line of communications with the fire department and ambulance personnel. At the conclusion of the incident, ensure that the ambulance and fire units are released as soon as they are no longer needed.
- (f) At the completion of the incident, advise the Watch Commander of any pertinent information for the press release.
- (g) Prepare an after action report documenting the Bomb Squad's call-out.
- (h) When responding to assist other allied agencies, the above procedures will be followed.

### 416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the patrol deputy. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures.

#### **416.71 NOTIFICATIONS**

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) Patrol Supervisor
- (e) Watch Commander
- (f) Investigators
- (g) Crime Scene Investigations

Anytime there is an explosion with injuries as a result of an explosive device the Bomb Squad shall be notified.



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### **416.72 CROWD CONTROL**

No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

### **416.73 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended 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 for the Sheriff's Bomb Squad.

## **416.8 BOMB THREATS RECEIVED BY TELEPHONE**

(a) The following questions should be asked if a call of a bomb is received at the Department:

1. When is the bomb going to explode?
2. Where is the bomb right now?
3. What kind of bomb is it?
4. What does it look like?
5. Why did you place the bomb?

(b) Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

1. During this time, record the following:
2. Time of the call
3. Exact words of the person as accurately as possible.
4. Age and sex
5. Speech patterns and or accents
6. Background noises

If the incoming call is received at the department on a recorded line, steps shall be taken to ensure that the digital tape is retrieved as evidence.

### **416.81 BOMB THREATS RECEIVED AT SHERIFF'S DEPARTMENT**

This procedure shall be followed should a bomb threat call be received at any Sheriff's facility and a search made for a destructive device.

## 417 - Medical Marijuana

### 417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for Deputies who are advised or believe that marijuana subject to seizure is used for medicinal purposes according to § 11362.5 of the California Health and Safety Code.

### 417.2 POLICY

All marijuana cases of possession and/or cultivation will be handled in compliance with State law (refer to §§ 11357(a), (b), (c), 11358, and 11359 of the Health and Safety Code). The Deputy must inquire if the marijuana possessed or cultivated is for medicinal purposes per § 11362.5 of the California Health and Safety Code. If the Deputy believes a person possesses or is cultivating marijuana for medicinal purposes, the Deputy shall weigh the marijuana, photograph the marijuana and any other related evidence, and take a small sample of the marijuana. If the marijuana is growing, no weight is necessary.

### 417.3 PROCEDURE

#### **417.31 DETERMINING MEDICINAL MARIJUANA CASES**

Deputies should continue to enforce all laws against marijuana in the same manner as prior to the passage of Proposition 215 (Compassionate Use Act of 1996 and Section 11362.5 of the Health and Safety Code) subject to the following guidelines:

- (a) The Deputy must inquire on each marijuana case whether the individual(s) are possessing, cultivating or using the marijuana for medicinal purposes as a "patient" or "caregiver." If the individual has already been taken into custody, these inquiries should be made after Miranda warnings.
  1. Should the suspect claim he has an affirmative defense to criminal sanctions as a patient or caregiver, the Deputy shall detain the person for the purpose of making those inquiries. If the individual refuses to provide the medical information, the Deputy should note the refusal and proceed with the arrest and/or citation as required by State law.

#### **417.32 PATIENT QUALIFICATIONS**

Patients must be California residents and must be "seriously ill" as set forth within Health and Safety Code § 11362.5 which reads. Illnesses specified in this section are cancer, anorexia, A.I.D.S., chronic pain, spasticity, glaucoma, arthritis, migraines, and any other illness for which marijuana provides relief.

- (a) Patients must have been examined by a physician, and the physician must have determined/recommended that the patient's health would benefit from marijuana as a treatment for the specific illness.

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## 417 - Medical Marijuana

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- (b) The patient must not be engaged in behavior that endangers others, such as driving a vehicle or under the influence in a public place. The patient cannot divert any marijuana for non-medical use, such as providing it to a friend or using it recreationally.
- (c) Each patient, pursuant to a directive by the District Attorney, is allowed to possess three pounds of processed marijuana per year. If the quantity of processed marijuana exceeds three pounds, the Deputy is allowed to seize the excess. The only exception to the three pound per year limit is when an excess amount is recommended and approved by the patient's physician.

In order to process three pounds, each patient may cultivate a canopy which would fill an area covering one hundred square feet. The number of plants from this particular area may not exceed 99 plants of any height or size. If the patient has more than 99 plants, the Deputy may seize the excess.

- (d) There is no age limit under Health and Safety Code § 11362.5. Deputies should continue to handle minors by utilizing § 601 or 602 of the Welfare and Institutions Code. Failure to act on the part of a Deputy places him/her and the Department in a position of liability.
- (e) Patients cannot use the medicinal marijuana defense on a general recommendation such as a written article, speech, radio show, television, etc.

### 417.33 CAREGIVER QUALIFICATIONS

If a suspect states he is a primary caregiver, he must be responsible for the patient's housing, health and/or safety. The primary caregiver must have personal knowledge of the doctor's recommendation to the patient. The primary caregiver must be specifically designated by the patient and is the only individual who can qualify for the specific patient.

Multiple caregivers can grow, on the same property, (commonly called "collective grows") medical marijuana for qualified patients. All provisions of this policy continue to apply.

Multiple primary caregiver cannot engage in conduct that endangers others or use marijuana unless he also qualifies as a patient under § 11362.5 of the Health and Safety Code. The primary caregiver cannot be involved in the diversion of marijuana for non-medical purposes or sale of marijuana (aside from recouping expenses from the eligible qualified patient).

### 417.4 DEPUTY RESPONSE

After using the above guidelines, if the Deputy determines on the amount, packaging, circumstances, and the answers to questions that he has probable cause to believe the suspect possessed, cultivated, or used marijuana for other than medical purposes, the Deputy may cite or arrest the subject per §§ 11357(a), (b), (c), 11358, or 11359 of the Health and Safety Code.

After using the above guidelines and the Deputy believes the marijuana is being used, possessed, or cultivated for medicinal purposes, the Deputy should:

- (a) Complete the identification of the suspect(s) and cease the detention.

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- (b) If an arrest was made, release the patient from custody per Section 849(b) of the Penal Code.
- (c) In all cases, a sample of the marijuana shall be seized and booked into evidence until notified of the results of the District Attorney's case review. The Deputy shall photograph and/or weigh the quantity of marijuana.
- (d) A complete detailed report shall be done outlining the circumstances of the incident, including the quantity or estimate of quantity of marijuana, and submit it to the Narcotic's Unit and the District Attorney's Office to accept or reject as a charge.
- (e) Obtain a signed Medical Records Release form.
- (f) Contact the physician with a letter requesting all the medical information concerning the patient's illness. Also obtain a statement from the physician regarding their approval of medicinal marijuana for the patient. The Deputy will need to send the physician a copy of the signed medical release form.
- (g) If during the investigation the Deputy determines that the subject is in possession of marijuana for sale or cultivation for sale, and not a medical marijuana defense, he shall request the on-call Narcotic's Detective for follow-up investigation.

### 417.5 GUIDELINES TO ASSIST THE PATROL DEPUTY INVESTIGATING THE CULTIVATION OF MARIJUANA

The Deputy must inquire on each marijuana case whether the individual(s) are possessing, cultivating or using the marijuana for medicinal purposes as a "patient" or "caregiver." If the individual has already been taken into custody, these inquiries should be made after Miranda warnings.

Should the suspect claim he/she had an affirmative defense to criminal sanctions as a patient or caregiver, the Deputy shall detain the person for the purpose of making those inquiries. If the individual refuses to provide the medical information, the Deputy should note the refusal and proceed with the arrest and/or citation as required by State law.

If the affirmative defense is used, the Deputy must ask the following questions:

- (a) Are you a caregiver or a patient?
- (b) Obtain full identification (including name, address, DOB, home and work phone numbers, driver's license number, Social Security number and any other identifying information) of caregiver and patient.
- (c) What is the name, address and phone number of the doctor that approved and/or recommended the use of marijuana for medicinal purposes.
  - 1. How long has the patient had the medical condition which permits you to legally use or cultivate marijuana?
  - 2. What is the diagnosed illness to which the patient suffers from?
  - 3. When did the patient's physician make the diagnosis?
  - 4. How long has the patient been under the care of the diagnosing physician?
  - 5. When did the physician recommend marijuana?

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6. The Deputy should obtain a signed Medical Records Release form from the patient (if refused, note refusal in report).
  7. If the physician does not provide medical information via land wire; the medical release record form should be sent to the physician with a cover letter requesting the records and any additional information concerning the patient's illness needed for the investigation.
- (d) How much marijuana do you or the patient use, per day, for the medical condition?
  - (e) Do you provide medical marijuana to anyone else?
  - (f) Note the total number of plants under cultivation in your report.
  - (g) Each patient, pursuant to a directive by the District Attorney, is allowed to possess three pounds of processed marijuana per year. If the quantity of processed marijuana exceeds three pounds, you are allowed to seize the excess.
  - (h) In order to process three pounds, each patient may cultivate a canopy which would fill an area covering one hundred square feet. The number of plants from this particular area may not exceed 99 plants of any height or size. If the patient has more than 99 plants, you may seize the excess.
  - (i) If the person claims to be a caregiver, the caregiver must have records available for your inspection which indicates the name, address, and telephone number of the patient. You need not contact the patients at this time, but include the information in your report for follow-up by detectives. A caregiver may have more than one patient, but must have records indicating the above information for each patient claimed. The amount of processed marijuana for each patient claimed by a caregiver is three pounds. The number of plants for each possible patient may not exceed 99. If the number of plants exceed 99 per patient by the caregiver, you may seize those excess plants. If the weight of the accumulated processed marijuana exceeds three pounds per patient claimed by the caregiver, you may seize the additional processed marijuana. Although not required, it is preferable that the caregiver be able to provide you a copy of the Sonoma County Medical Association's peer review letter for each patient. A copy of the letter should be included in your report.

After the questions are asked and you believe it is medical marijuana, weigh the processed marijuana (growing marijuana does not need to be weighed), take a small sample of both the processed and growing marijuana (approximately a one gram sample each), photograph the marijuana and related evidence. Write your report for detective follow up.

After the questions are asked and you believe the marijuana is cultivated for illegal sales, call the on-call Narcotics Detective.

### 417.6 GUIDELINES TO ASSIST THE PATROL DEPUTY INVESTIGATING POSSESSION OF MEDICAL MARIJUANA

The Deputy must inquire on each marijuana case whether the individual(s) are possessing, cultivating or using the marijuana for medicinal purposes as a "patient" or "caregiver". If the individual has already been taken into custody, these inquiries should be made after Miranda warnings.

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Should the suspect claim he/she had an affirmative defense to criminal sanctions as a patient or caregiver, the Deputy shall detain the person for the purpose of making those inquiries. If the individual refuses to provide the medical information, the Deputy should note the refusal and proceed with the arrest and/or citation as required by State law.

If the affirmative defense is used, the Deputy must ask the following questions:

- (a) Obtain full identification (including name, address, DOB, home and work phone numbers, driver's license number, Social Security number and any other identifying information) from the subject.
- (b) What is the name, address and phone number of the doctor that approved and/or recommended the use of marijuana for medicinal purposes.
  - 1. How long has the patient had the medical condition which permits you to legally use marijuana?
  - 2. What is the diagnosed illness to which the patient suffers from?
  - 3. When did the patient's physician make the diagnosis?
  - 4. How long has the patient been under the care of the diagnosing physician?
  - 5. When did the physician recommend marijuana?
  - 6. The Deputy should obtain a signed Medical Records Release form from the patient (if refused, note refusal in report).
  - 7. Physicians do not provide medical information via land wire; the medical release record form should be sent to the physician with a cover letter requesting the records and any additional information concerning the patient's illness needed for the investigation.
- (c) How much marijuana do you use, per day, for your medical condition?
- (d) Is the marijuana in your possession for your use only?
- (e) Do you provide medical marijuana to anyone else?

After the questions are asked and you believe the marijuana is possessed for medical purposes, weigh the marijuana, take a small sample, photograph the marijuana and related evidence. Release the remaining marijuana back to the subject and write your report for detective follow up.

After the questions are asked and you believe the marijuana is possessed for illegal sales, call the on-call Narcotics Detective.

## 418 - Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth a procedure for the detention and rendering of assistance of individuals in need of emergency psychiatric intervention at hospitals.

### 418.2 DEFINITIONS

**5150 W&I:** "When any person, as a result of mental disorder, is a danger to others, or to himself or herself or gravely disabled, a peace officer, . . . may upon probable cause, take or cause to be taken, the person into custody and place him or her in a facility designated by the County and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation."

**PES:** Psychiatric Emergency Services. The emergency clinic designated by the county as the mental health unit in Sonoma County responsible to evaluate all individuals on 5150 (72 hours hold) status. In Sonoma County this emergency service is provided by the Charles W. Norton Mental Health Center.

**ADMITTED TO HOSPITAL:** When the patient's status changes from "outpatient" emergency room care to an "in-patient" status.

**MADF:** Main Adult Detention Facility.

**IPS:** Inpatient Psychiatric Services. The in-patient unit at the Charles W. Norton Mental Health Center designated by the county and approved by the State Department of Mental Health as a facility for 72-hour psychiatric treatment. This in-patient unit is under the license of Sutter Medical Center of Santa Rosa.

### 418.3 DEPUTY CONSIDERATIONS AND RESPONSIBILITIES

Any Deputy responding to or handling a call involving a suspected or actual mentally disabled individual or "5150" commitment should consider the following:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities,
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (c) Appropriate language usage when interacting with mentally disabled persons.
- (d) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons.
- (e) Community resources which may be readily available to assist with the mentally disabled individual(s).

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### 418.4 PROCEDURE

- (a) Voluntary Commitments to PES: Those persons in need of mental health assistance who do not fall within the definition of 5150 W&I, but are in need of crisis counseling may be referred to PES by a Deputy.
  - 1. Deputies are encouraged to have the individual telephone PES and talk with a crisis counselor prior to any transport.
  - 2. If a Deputy agrees to transport the individual and PES requires a medical clearance before seeing the person, the Deputy shall deliver the person to Sutter Medical Center of Santa Rosa Emergency Room. The Deputy shall notify PES when the person is at the hospital. The Deputy can then clear the detail. The Sheriff's Department is not responsible for the cost of any medical treatment or further transport between facilities.
- (b) Involuntary Commitments (5150 W&I): Any person detained by a Deputy pursuant to Section 5150 of the Welfare and Institutions Code, shall be delivered to the PES division of the Charles W. Norton Mental Health Center (formerly known as Oakcrest) only, as soon as practical.
- (c) No Medical Treatment Required Prior to Commitment: The Deputy shall have dispatch notify PES of the person's name, date of birth and the circumstances that brought the person to the Deputy's attention requiring a 72 hour hold.
- (d) Medical Clearance Needed Prior to Transport to PES: Any person who has obvious trauma, indications of overdose, is severely intoxicated, has had a loss of consciousness, head wounds, fractures and/or severe pain shall be transported to the nearest hospital via ambulance.
  - 1. Persons who do not have signs of obvious trauma may still require medical clearance prior to PES staff evaluation. The person should be transported to the emergency room at Sutter Medical Center of Santa Rosa for medical clearance.
- (e) Person Receiving Treatment/Not Admitted to the Hospital: When a person is transported from the unincorporated area of the county to a hospital emergency room by ambulance or private transport for treatment and the hospital requests an evaluation pursuant to 5150 W&I, the Sheriff's Department will respond to conduct the evaluation.
- (f) Sutter Medical Center of Santa Rosa: Sutter Medical Center and PES specifically is designated the medical facility responsible for 72 hour (5150) evaluations. If a Deputy transports a person to Sutter Medical Center of Santa Rosa Emergency Room or responds there at the hospital's request for a 5150 evaluation they shall:
  - 1. Conduct an investigation to determine if the person is in need of mental health treatment pursuant to 5150 W&I. Document the patient's need for emergency psychiatric intervention on the State of California application for 72 hour Detention Form.
  - 2. If the person is violent, assist the hospital staff in a safe transfer of custody, including the application of physical restraints. Provide security for intake staff only until such time as the person is secured.



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3. Assign a case number to the application for 72 Hour Detention Form and deliver the original to the hospital staff. A copy of this form shall be attached to the Deputy's Incident Report.
  4. The Deputy is not responsible for guarding the person or any further transportation between the two facilities, as Sutter Medical Center of Santa Rosa Emergency Room is recognized as the same facility as PES.
- (g) Treatment at Hospital other than Sutter Medical Center of Santa Rosa: When a person is transported from the unincorporated area of the county to a hospital other than Sutter Medical Center of Santa Rosa or the Deputy transports a person to any hospital other than Sutter Medical Center of Santa Rosa for medical treatment prior to transport to PES, the Deputy shall:
1. Conduct an investigation to determine if the person is in need of mental health treatment pursuant to 5150 W&I. Document the patient's need for emergency psychiatric intervention on the State of California application for 72 hour Detention Form.
  2. If the person is violent, assist the hospital staff in a safe transfer of custody, including the application of physical restraints.
  3. Remain at the hospital for safety and security purposes until the person is medically cleared to be transported to PES.
  4. The Deputy and the emergency room supervisor may, after weighing all the circumstances of the incident and the persons' medical condition, mutually agree to release the Deputy from the emergency room prior to medical clearance being received. The Deputy shall contact the on-duty Sergeant for approval prior to leaving the hospital.
  5. After medical clearance is received, the Deputy shall transport the person to PES.
- (h) Person Admitted into the Hospital: If the person being detained per 5150 W&I is admitted into any hospital, prior to being transported to PES, the hold written by the Deputy becomes void.
- (i) In these cases the hospital is responsible for any "re-evaluation" and the subsequent transportation to PES (County Counsel opinion dated 6/21/96).
- (j) Criminal Acts by Persons in need of Mental Health Services Prior to Booking at MADF: Individuals who are arrested for the commission of a crime and are in need of mental health treatment shall be transported to the MADF by the Deputy and booked for the alleged criminal violation. The Deputy shall note on the pre-booking sheet the individual's need for mental health services and confer with the medical and mental health staff about the individual's actions if requested.
- (k) Criminal Acts by Persons in need of PES, Prior to Booking at MADF: Individuals who have committed a crime and are in need of PES pursuant to 5150 W&I shall be transported to the Charles W. Norton Mental Health Center. The Watch Commander shall be notified to determine if a guard must be assigned pursuant to the mandates of Penal Code §§4011.7 and 4011.9.

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- (l) Confiscating Weapons: Section 8102 of the Welfare and Institutions Code provides for the seizure of any firearms or deadly weapons in the possession of any person detained for mental examination. Weapons seized by a Deputy pursuant to this section shall be booked into property in accordance with policy.
- (m) Emergency Protection Orders: Pursuant to a Memorandum dated March 10, 1997, the staff at the Charles W. Norton Mental Health Center will allow the service of Emergency Protection Orders on persons in their facility. Deputies shall contact the supervising staff member for entry into the locked area.

### 418.5 HOSPITAL GUARD RESPONSIBILITIES

#### **418.51 COMMITMENTS OF INMATES (POST BOOKING)**

The mental health staff at MADF may order an inmate to IPS for mental health treatment pursuant to 5150 W&I or a court order. When inmates are transported to IPS for treatment and housing, the following procedures shall be followed:

- (a) The jail staff will consult with the staff at IPS/PES prior to sending the inmate to IPS.
- (b) The jail staff will prepare a folder for the transporting Deputy which will include the inmate's name, charge picture, reason for transport to IPS and any pertinent information to the inmate's behavior, including communicable disease precautions that may constitute a risk to the Deputy or public.
  - 1. If the person has not been booked at MADF, the first Deputy assigned to guard duty shall start a running log.
- (c) Persons committed involuntarily to a PES/IPS facility have certain rights pursuant to W&I Code. Penal Code Section 4011.6 states rights provided by the W&I Code shall apply to prisoners. These rights include the opportunity to see visitors each day, to have reasonable access to telephones and to have access to writing materials, etc.
- (d) At the time of admission, a representative from IPS shall speak directly to a Law Enforcement (Patrol) Watch Commander or shift Sergeant, regarding visitation rights. Either the Attending Psychiatrist or the Watch Commander may deny the patient visitation privileges. Should either the Attending Psychiatrist or the Watch Commander determine that visitation should be denied to a patient, such visitation shall not occur. The Watch Commander's decision regarding visitation privileges should be based on safety and security concerns and shall be made only after consulting with an IPS representative on treatment issues, and a review of all surrounding circumstances. The staff at IPS has agreed to the following visitation procedures:
  - 1. Prior to any visit, a representative from IPS shall speak directly to a Law Enforcement (Patrol) Watch Commander regarding security and safety concerns.
  - 2. All persons wishing to visit an inmate housed at IPS are subject to a physical search of their person and their belongings by the Deputy guarding the inmate.
  - 3. Visiting will take place in a location where the Deputy is able to observe the visitation.

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4. Visitors are allowed to leave property for the inmate per Section 5325 of the W&I Code, not normally afforded to inmates at the Jail. Any items left must be approved by the nursing supervisor.
- (e) Deputies shall remain outside the locked ward in a room or in the hallway unless requested to enter by the staff of IPS/PES. When entering the ward, the Deputy will normally secure their weapon in the locker provided, unless circumstances dictate otherwise.
- (f) Each Deputy shall contact the nursing supervisor of IPS in charge of the shift to receive a briefing on the inmate's status. The Deputy should observe the inmate to familiarize themselves with the physical appearance and confirm if there will be visitors of the inmate during the shift.
- (g) The nursing supervisor shall notify the Deputy if the inmate is placed into or removed from seclusion (a locked room). Any change in status, including visitors, visitation changes, and verbal orders by Sergeants or Lieutenants will be noted in the folder kept by Deputies. This log will be passed to the next Deputy at change of shift. Comments in the log should be kept to a minimum and shall only address the inmate's actions and change of orders.
- (h) The nursing supervisor shall notify the Deputy when outside recreation privileges are granted and the inmate is not in seclusion. The Deputy shall monitor the inmate while in the recreation area.
- (i) The Deputy will be provided a meal at regularly scheduled meal times.
- (j) When the inmate is returned to the jail, the folder, the running log and any property will be returned to the jail staff by the transporting Deputy.
- (k) In the event of an escape, the Deputy guarding the inmate shall notify dispatch immediately. The Deputy shall coordinate the search for the inmate until relieved by a supervisor. The Santa Rosa Police Department and MADF shall be notified by the supervisor and a "Be on the Lookout" broadcast as soon as practical.
- (l) The staff at PES/IPS are trained and prepared to physically restrain most patients, including inmates. The Deputy may be asked to assist if the PES/IPS staff feels they may not be able to restrain the inmate. If time allows, the Deputy and staff should formulate a plan before attempting the restraint. If more assistance is needed to safely restrain the inmate, the Deputy should contact Dispatch for additional units. When additional units are requested, the staff at IPS/PES shall not assist in the restraint unless requested to by a Deputy. Deputies shall only assist in placing an inmate into restraints.
- (m) Although PES/IPS is in the jurisdiction of the Santa Rosa Police Department, Deputies may be called upon to take immediate action in any life threatening or dangerous situation that may arise at the facility until the Santa Rosa Police Department arrives on-scene.
- (n) In the event of an escape or any other unusual reportable incident, the Deputy guarding the inmate is responsible for completing all required reports.

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### **418.52 GUARD DUTY SCHEDULING/SUPERVISION**

When the Charles W. Norton guard assignment begins, the on-duty shift Sergeant shall be responsible for starting and scheduling the first 24 hours of the assignment.

- (a) The day shift main office Sergeant shall be responsible for scheduling all shifts after the initial 24 hour period.
- (b) On-duty Patrol staff shall be used unless this assignment causes the shift to fall below minimum staffing.
- (c) Personnel assigned to Court Security, Transportation and the Detective Bureau are available for guard duties on weekends and evenings.
- (d) The Main Office Sergeant is responsible for the daily supervision of the guard at the Charles W. Norton Facility. The Sergeant shall contact the guard once during the Sergeant's shift to determine the status of the inmate's condition and expected return to the Jail.

### **418.53 UNIFORM AND EQUIPMENT**

- (a) All Deputies working hospital guard will be in a Class C or D uniform.
- (b) All Deputies working a hospital guard detail who have not already been assigned a unit number (i.e., E-31) shall contact the on-duty Patrol Sergeant and have the Sergeant log them onto CAD. At the end of the shift, the Deputy shall call Dispatch and inform them they are off-duty.
- (c) The Deputy may use a parked patrol car, when available, for transportation to and from all hospital guard duties.

### **418.54 RELEASE OF INMATES**

- (a) The Patrol Watch Commander shall contact the MADF Administrative Lieutenant or in the absence of the MADF Administrative Lieutenant, the MADF Watch Commander, and discuss the inmate's criminal status and possibility for release of the inmate.
- (b) If the inmate is eligible for release, the MADF Administrative Lieutenant/MADF Watch Commander shall work with the Probation Department and the Court to release as quickly as practical.
- (c) The Patrol Captain and MADF Captain will be consulted if there are questions about the qualifications for release.

### **418.6 CONFISCATION OF FIREARMS AND OTHER WEAPONS**

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150 and is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling Deputy. The firearm or other deadly weapon shall be booked into evidence until further processing.

The handling Deputy shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated (Welfare &

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Institutions Code § 8102(a)). For purposes of this section, "deadly weapon", means any weapon, that the possession of, or carrying while concealed is prohibited by Penal Code § 12020.

- (a) Whenever the handling Deputy has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the Deputy shall detail those facts and circumstances in a report. The firearms shall be booked into evidence and property room staff shall review the report and determine whether the circumstances meet the criteria for filing a petition. If so determined, property room personnel shall initiate a petition via the District Attorney's Office to the Superior Court for a hearing in accordance with Welfare & Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

### **418.61 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

If no petition is initiated within the above period, the Department shall make the weapon(s) available for return. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

### **418.7 TRAINING**

As a part of all deputies' advanced training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.

## 420 - Cite & Release Policy

### 420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires police agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

### 420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code §853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A "field release" is where the violator is released in the field without being transported to a jail facility.
- (b) A "jail release" is when a violator is released after being transported to the jail and booked.

### 420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

#### **420.31 FIELD CITATIONS**

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, Deputies may issue citations to all persons eighteen years or older. Deputies may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate.

#### **420.32 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.

Any person arrested for a misdemeanor offense shall be released on his or her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in § 420.33.

#### **420.33 DISQUALIFYING CIRCUMSTANCES**

Penal Code §853.6(l) specifies that a person arrested for a misdemeanor shall be released on a citation unless one of following situations is present:

- (a) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. (Release may occur as soon as this condition no longer exists).
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his or her own safety.

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- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§40302 , 40303, and 40305;
  - 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting Deputy, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
  - 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the Deputy may require the individual to provide a right thumbprint (or other finger); however, such print may not be used for other than law enforcement purposes.
  - 3. Should any person arrested on a notice to appear, claim under penalty of perjury, not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the Notice to Appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

### **420.34 OTHER REASONS FOR NON-RELEASE**

If the person arrested is not released for one or more of the reasons specified in § 420.33, the Deputy shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record.
- (b) The person lacks ties to the area, such as a residence, job, or family.
- (c) Unusual circumstances lead the Deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

### **420.35 INSTRUCTIONS TO CITED PERSON**

The citing Deputy shall, at the time he/she asks the defendant to sign the citation, 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 or her written promise to appear.

### **420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS**

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

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- (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 officer.
- (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the Notice to Appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a citation.

Release under this section shall be done in accordance with the provisions of this section.

### 420.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate unless the juveniles are released to the custody of a responsible adult.



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## 422 - Arrest or Detention of Foreign Nationals

### 422.1 PURPOSE AND SCOPE

Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this Country. This section provides direction to Deputies when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix).

### 422.11 DEFINITIONS

**FOREIGN NATIONAL** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**IMMUNITY** - Refers to various protections and privileges extended to the members of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. However, a person shall not be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the Deputy, and the Deputy has verified or reasonably suspects that the claim of immunity is valid.

### 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

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### **422.31 DIPLOMATIC AGENTS**

Diplomatic agents, (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the Host State. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

### **422.32 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. However, they are only immune from criminal and civil prosecution arising from "official acts." This "official acts" immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an "official" function; it is not enough that the consular agent was "on-duty" or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. (Examples are consular officers and family members from Russia or China.)

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

### **422.33 HONORARY CONSULS**

Honorary consuls are "part-time" members of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for "official acts" may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

### **422.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the DOS and are issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the DOS. In addition to the DOS identification card, foreign service personnel should also have a driver license issued by the DOS Diplomatic Motor Vehicle Office (DMVO) which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the Governor's Office of Emergency Services (OES), Law Enforcement Division.

### **422.41 VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the DOS OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from

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the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications system (NLETS), designating "US" as the state, if the Deputy has reason to question the legitimate possession of the plate.

### 422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

#### **422.51 CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. (The issuance of a citation is not considered an arrest or detention under current DOS guidelines.) Whenever the equivalent of a Notice to Appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting Deputy:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the Deputy's copy of the Notice to Appear for later reference (do not include on the face of the Notice to Appear.)
- (c) The claimant shall be requested to sign the Notice to Appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the Notice to Appear.

#### **422.52 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the Deputy or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

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Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by DOS, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The DOS identification cards are 3-3/4" by 1-1/2" and contain a photograph of the bearer.
- (b) Initiate telephone verification with DOS. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with DOS any time an individual claims immunity and cannot present satisfactory identification, the Deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions  
San Francisco, CA  
(415) 744-2910, Ext. 22 or 23  
(415) 744-2913 FAX  
(0800-1700 PST)

Office of the Foreign Missions  
Los Angeles, CA  
(310) 235-6292, Ext. 121 or 122  
(310) 235-6297 FAX  
(0800-1700 PST)

Office of Foreign Missions  
Diplomatic Motor Vehicle Office  
Washington D.C.  
(202) 895-3521 (Driver License Verification) or  
(202) 895-3532 (Registration Verification)  
(202) 895-3533 FAX  
(0815-1700 EST)

Department of State  
Diplomatic Security Service  
Command Center  
Washington D.C.  
(202) 647-7277  
(202) 647-1512  
(Available 24 hours)  
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by OES, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by DOS; and, DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but other form of identification indicate that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence (DUI), field sobriety tests (including Preliminary Alcohol Screening (PAS) device tests) and chemical tests should be offered and obtained whenever possible, but these tests cannot be compelled. The

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subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy, DUI Arrest-Investigation Report, Arrest-Investigation Report and/or any relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. Moreover, DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the agency.

### 422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the "miscellaneous" box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in §422.5 of this chapter.

#### **422.61 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### **422.62 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the Sheriff's office within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact which should be reported to DOS for further action. The Watch commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating Deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure that notification of DOS and all necessary follow-up occur.

### 422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies may arrest foreign nationals only under the following circumstances:

- There is a valid warrant issued for the person's arrest.
- There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

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- Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the Deputy's presence.

After a lawful detention or criminal arrest, Deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a Deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. Penal Code §834 (c). If the individual wants his/her government notified, the deputy shall begin the notification process.

### **422.71 ARREST PROCEDURE**

Whenever a Deputy physically arrests or detains an individual for criminal investigation and the Deputy reasonably believes the person to be a foreign national, the Deputy shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the Deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention.

If the individual requests such notification, the Deputy shall contact Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Deputies shall provide Dispatch with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the department itself.

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), Deputies shall provide Dispatch with the information above, as soon as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of our treaty obligations with the particular countries.

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Deputies should attempt to provide the Dispatch with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

### **422.72 DOCUMENTATION**

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Dispatch was notified of the foreign national's arrest/detention and his or her claimed nationality.

## 423 - Marine Safety & Enforcement Unit

### 423.1 PURPOSE AND SCOPE

To establish the general operational guidelines of the Sheriff's Department Marine Safety & Enforcement Unit. Marine Safety & Enforcement Unit has three primary functions: Law Enforcement; Search and Rescue; and Boating Safety and Education. The primary responsibilities for Marine Units Deputies are enforcement and safety patrols on the various waterways in and adjacent to Sonoma County. Marine Units are not available for routine calls for service unless the call is related to a boating enforcement action or is in the contract law enforcement area (Lake Sonoma) – emergency and officer safety issues excepted.

### 423.2 PROCEDURES

#### (a) Jurisdiction

1. The Marine Unit is responsible for enforcement of laws and regulations as they relate to the use of watercraft upon all waterways in the County and within three miles offshore of the Sonoma County coast line.

#### (b) Responsibilities

1. The Unit is required to investigate and complete reports on all fatal, serious injury, and major property damage boating accidents occurring within the County. The Unit may also investigate other activities in which boats are primarily involved such as vessel theft, narcotic trafficking, fish and game violations, and waterborne environmental crimes.
2. Marine Unit Deputies conduct inspections of vessels for compliance with required safety equipment, registrations requirements, and sanitation and pollution control that satisfy the intent of State law.
3. Deputies in the Unit are equipped and trained to conduct searches for lost/overdue boaters, assist stranded boaters, BUI (boating under the influence) evaluations, boating related investigations, and assist in most water related rescue activity or other related emergencies.
4. Promoting boating safety is also a primary function. Deputies within the Unit do this during routine boater contacts, during their daily activities, and by participating in organized events and functions. The Unit regularly conducts boating safety education programs within schools, safety fairs and other organized groups. The Deputies develop partnerships with citizens, communities, user groups, other governmental agencies and organizations, water safety councils and the media in an effort to educate the public on boating safety issues and maximize the Units' efforts in accomplishing its mission.



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## *423 - Marine Safety & Enforcement Unit*

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5. The Marine Unit provides supervision of organized on-the-water boating or water events that allows for the protection and safety of the boating public during such activities and events. Marine Unit personnel work cooperatively with other local Marine Safety & Enforcement Units on events in the greater San Francisco Bay Area.
  6. Marine Unit Deputies function as role models to the boating public for the safe and responsible operation of vessels.
- (c) Call-out: Deputies assigned to the Marine Unit are not required to be "on-call." Deputies are issued pagers, and at their discretion are available for after hour calls, on an overtime basis. Attempts to call out Marine Unit Deputies should be made in the event of a boating accident involving serious injury or death, or whenever an incident requires access by a boat, such as a lost or overdue boater, or a reported in-progress crime at a location where access can only be made by a boat.
1. After hour call-outs must have the Watch Commander's approval.
  2. After-hour response times may vary, however in most situations a Marine Unit Deputy should be able to on the water within 30-60 minutes of a call-out.
- (a) After Hours Investigators: If a Deputy assigned to the Marine Unit cannot be located for an after hours call to a boating accident or incident that may require enforcement action, the Sergeant in charge of the unit should be notified immediately. If no Deputy can be located with boating accident investigation training, and no enforcement action needs to be taken immediately, the patrol Deputy shall respond and collect the basic identification information, and write an "Incident Report." A copy of the report shall be sent to the Sergeant in charge of the unit and the incident assigned to a Marine Unit Deputy for proper documentation and follow up investigation. If enforcement action is required immediately, such as an operator that is under the influence of alcohol and/or drugs, the patrol Deputy shall take the appropriate enforcement action.
- (b) Intoxicated Boater
1. Non-accident: Patrol Deputies who respond to calls of intoxicated boaters on waterways shall take the appropriate enforcement action for the situation. Harbors and Navigation Code section 655 prohibits the operation of a vessel in a negligent manner or under the influence of any drug and/or alcohol.
  2. Accidents: When no Marine Deputy is available for an after hour's investigation, and the boat operator involved in a boating accident or incident appears to be under the influence of alcohol and/or drugs, the patrol Deputy will conduct a thorough investigation. If the boat operator is determined to be in violation of the Harbors and Navigation Code section 655, the patrol Deputy shall take the appropriate enforcement

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *423 - Marine Safety & Enforcement Unit*

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- action. Evidence to determine the blood alcohol/drug level of the arrested operator is critical and shall be collected pursuant to statutory and case law. The patrol Deputy will not be responsible for writing the accident portion of the enforcement report.
3. The report shall be forwarded to the Marine Unit Sergeant for assignment to a Deputy assigned to the Marine Unit for proper documentation and investigation of the accident.
- (d) Training: Deputies assigned to the Marine Unit receive specialized training for this assignment. Training includes enforcement of boating related laws, intoxicated boat operator enforcement, vessel theft investigation, accident investigation, navigation, rescue boat operations, and marine fire fighting. The Unit members work closely, and train with, the Department's Helicopter and Dive Team in water search and rescue techniques. The Marine Unit also works and trains with allied agencies affiliated with the waterways within this County and adjoining Counties to develop rapid and efficient responses to mutual aid requests.
- (e) Equipment:
1. Patrol Vessels: The Unit currently has three primary patrol vessels selected and equipped specifically for conditions on each of the major county waterways: Lake Sonoma, Petaluma River/San Pablo Bay, Russian River and Bodega Bay/Sonoma Coast. These boats are equipped to handle search and rescue, law enforcement type operations and assist with medical transports in water related emergencies. The larger boats are equipped with radar, GPS, marine band radios, and equipment necessary for night operation.
  2. Flood Boats: The Marine Unit maintains small boats available for flood operations on the Russian River. The Unit is responsible for providing annual training to River Substation Deputies in the use of these vessels.
  3. Personal Watercraft: The Marine Unit operates personal watercraft. These are available for response in waterways that prohibit the use of the larger boats for selective patrol in the rivers and/or congested waterways and for high profile enforcement situations on holidays and during organized on-water events.
  4. Patrol Vehicles: The Marine Unit maintains four-wheel drive vehicles specially equipped for towing, launching, and fueling Unit vessels, carrying necessary tools equipment and personnel. These vehicles are not to be used for other departmental functions unless some form of exigent circumstances exists. In such cases, permission from the on-duty watch commander, Marine Unit Lieutenant, or Marine Unit Supervisor is required. The Marine Unit Sergeant will be notified in the event of such use.
  5. Authorization to Operate: No person shall be allowed to operate a Marine Unit vessel without vessel-specific training, sign-off by the Marine Unit Deputy assigned responsibility for that vessel, and authorization by the Marine Unit Supervisor.
- (f) Grant & Contract Obligations: As the Department's Marine Unit is largely supported by State and Federal funds, it is very important that all grant and contract

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *423 - Marine Safety & Enforcement Unit*

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requirements be fully met by accurate and timely recording of necessary statistical data and timely submission of required billing and related reports.

- (g) Lake Sonoma: The Sheriff's Department has primary law enforcement responsibility in and around Lake Sonoma. The US Army Corps of Engineers contract with the Sheriff's Department to provide enhanced law enforcement services at Lake Sonoma from April through September. The Rangers at Lake Sonoma do not have peace officer status and most have only limited law enforcement training.

## 426 - Reporting Police Activity Outside of County

### 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off duty and occurring outside the County of Sonoma.

### 426.2 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a Deputy is on-duty and is requested by another agency to participate in police activity outside the County limits of Sonoma County, he/she should obtain prior approval from his or her immediate supervisor or the Watch Commander. If the outside request is of an emergency nature, the Deputy shall notify dispatch before responding, if possible, and thereafter notify a supervisor as soon as practical.

### **426.21 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY**

Any Deputy, on duty or off duty, who engages in law enforcement activities of any type outside the immediate jurisdiction of Sonoma County shall notify his or her supervisor or the on duty Watch Commander at the earliest possible opportunity.

The supervisor shall determine if an incident report is required to document the Deputy's activity.

## 428 - Immigration Violations

### 428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is not a matter for law enforcement action. It is incumbent upon all members of this Department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of alien status. Confidence in this commitment will increase the Department's effectiveness in protecting and serving the entire community.

### 428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S. Code dealing with illegal entry, etc. When assisting the ICE at their specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S. Code, Sections 1304, 1324, 1325 and 1326 this Department may assist in the enforcement of Federal immigration laws with Watch Commander approval.

### 428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the U.S. Immigration and Customs Enforcement (ICE) in San Francisco. The Employer Sanction Unit of the ICE has primary jurisdiction for enforcement of Title 8, U.S. Code.

#### **428.31 BASIS FOR CONTACT**

The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

#### **428.32 SWEEPS**

The Sonoma County Sheriff's Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, socioeconomic status, or other group.

The disposition of each contact (i.e., warning, citation, arrest, etc.), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

#### **428.33 ICE REQUEST FOR ASSISTANCE**

If a specific request is made by the ICE or any other federal agency, this Department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

Sonoma County Sheriff's Deputies should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *428 - Immigration Violations*

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temporary basis or for Deputy safety. Any detention by a member of this Department should be based upon the reasonable belief that an individual is involved in criminal activity.

### **428.34 IDENTIFICATION**

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating Deputy should take reasonable steps to establish the person's identity through the production of valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify their true identity (e.g., telephone calls, etc.). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

### **428.35 ARREST**

If the Deputy intends to take enforcement action and the individual is unable to reasonably establish his or her true identity, the Deputy may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302a, and Penal Code § 836, if pertinent to the circumstances).

### **428.36 BOOKING**

If the Deputy is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

If a person is detained pursuant to the authority of Vehicle Code § 40302a, for an infraction, that person may be detained for a reasonable period not to exceed two hours for the purpose of establishing their true identity. Regardless of the status of that person's identity at the expiration of two hours, he or she shall be released on his or her signature with a promise to appear in court for the Vehicle Code infraction involved.

### **428.37 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT**

If a Deputy believes that an individual taken into custody for a felony is also an undocumented alien, the ICE may be informed by the arresting Deputy so that they may consider placing an "immigration hold" on the individual.

In the event an individual, who is an undocumented alien, is taken to the County Jail for booking for a criminal charge, he/she will be automatically interviewed by a member from the ICE.

### **428.38 DETERMINATION OF IMMIGRANT STATUS**

Determination of immigration status is primarily the jurisdiction of the U.S. Immigration and Customs Enforcement. U.S. Code, Title 8 § 1304 (e), provides: "Every alien, eighteen years of age and over, shall at all times carry with him and have in his or her personal possession any certificate of alien registration or alien registration receipt card issued to him 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 \$100.00 or be imprisoned not more than thirty days, or both."

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *428 - Immigration Violations*

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### 428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Sonoma County Sheriff's Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

## 434 - Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

### 434.2 RESPONSIBILITIES

In the event of an aircraft crash the member responsibilities are as follows.

#### **434.21 FIELD DEPUTY DUTIES**

The duties of the field Deputy at the scene of an aircraft accident include:

- (a) Determine the nature of the accident and what assistance is needed from additional personnel;
- (b) Request additional personnel to respond as needed;
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel;
- (d) Once emergency medical assistance is established by the Fire Department, seal off the area and contain it for the on-scene investigation;
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor; and
- (f) Contact the coroner's unit if a death(s) occurs.

Generally, the Fire Department maintains control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Sheriff personnel will then maintain control of the scene until the arrival of the investigators charged with determining the cause of the accident. Once the scene is relinquished to the investigating authority, Sheriff personnel may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An Airport Service Worker or the Airport Manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

#### **434.22 FEDERAL AVIATION ADMINISTRATION (F.A.A.)**

The F.A.A. has the ultimate authority for the scene of an aircraft crash. The F.A.A. is concerned with several aspects of a crash as described in this section.

Every effort should be made by Deputies at the scene of an injury or fatality to preserve all crash debris in its original condition and location until examined by personnel charged with determining the cause of the accident. Deputies present at the location of such accident should treat the situation as a crime scene until it is determined that such is not the case. Once the injured parties are removed from danger, control of the accident scene is the



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *434 - Aircraft Accidents*

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responsibility of the Department until the arrival of F.A.A. personnel who will conduct the investigation into the cause of the accident.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants and protecting the public from further danger. If possible, any intentions to tamper with, or move an aircraft involved in an accident, should be cleared with the F.A.A. investigator in advance.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If no injury or death results and the F.A.A. elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the F.A.A. or military authorities, or at the discretion of the pilot or the owner, if the F.A.A. is not responding for an on-site investigation.

### **434.23 DISPATCHER**

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Sonoma County Fire Department.
- (b) Sonoma County Airport Tower.
- (c) Sonoma County Airport Manager.
- (d) Closest military base if a military aircraft is involved.
- (e) Ambulances or other assistance as required.

Most aircraft accidents will be reported to the Department from the Air Traffic Controller(s) in the tower of the Sonoma County Municipal Airport. The dispatcher receiving such information should ensure that the tower personnel will contact the Federal Aviation Administration (F.A.A.) Flight Standards District Office and the National Transportation Safety Board (N.T.S.B.). In the event that airport personnel are not involved, the dispatcher should notify the F.A.A. and the N.T.S.B.

The Airport Manager should be notified as soon as practical. Notification may be accomplished through airport members or by calling the Airport Manager at home during non-business hours.

### **434.24 CENTRAL INFORMATION BUREAU MANAGER**

The Central Information Bureau Manager is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics.
- (b) Forward a copy of the report to the Patrol Bureau Captain and the County of Sonoma Airport Manager.

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## *434 - Aircraft Accidents*

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### **434.25 PRESS INFORMATION**

When practical, the Watch Commander should coordinate with the F.A.A. Press Information Deputy to prepare a press release for distribution to the media.

### 434.3 DOCUMENTATION

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented.

## 436 - FTO Program

### 436.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a training program for new Deputy Sheriffs. The Sonoma County Sheriff's Department Field Training Program shall adhere to the State of California Peace Officer and Standards Training requirements.

### 436.2 RESPONSIBILITIES

- (a) **Organizational Structure:** The Law Enforcement Division is responsible for new Deputies assigned to the Field Training Program.
- (b) **Field Training Officer Program Manager (Lieutenant):** The duties and responsibilities of the assigned Patrol Lieutenant are:
  - 1. The overall management responsibility for the Field Training Program.
  - 2. On a regular basis, meet with the Field Training Sergeant(s) to discuss the program and trainee status.
  - 3. To prepare a comprehensive written evaluation of any trainee whose performance does not meet program standards. The evaluation shall include specifics along with recommendations and shall be forwarded to the Law Enforcement Operations Captain.
  - 4. To meet with the trainee, while the trainee is in the Field Training Program, to discuss the trainee's progress. A supervisor's report may be completed after these meetings.
  - 5. To participate in Department wide training projects and assignments.
- (c) **Field Training Officer Supervisors (Sergeants):** The duties and responsibilities of the Field Training Sergeant(s) are:
  - 1. To report directly to the Field Training Program Lieutenant for the purposes of this assignment.
  - 2. The supervision of the Field Training Officers and monitoring the progress of all trainees for the duration of the program.
  - 3. To prepare the six month performance evaluation for each trainee following successful completion of the training program.
  - 4. To prepare a Supervisor's Report of Progress on each trainee in the training program. This report is submitted to the Field Training Program Lieutenant. This report will normally be completed once a week.
  - 5. To maintain the Daily Observation Reports and trainee file.
  - 6. To monitor the selection and training of Field Training Officers.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 436 - FTO Program

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7. To maintain a roster of Field Training Officers and to schedule the placement of trainees with Field Training Officers.
8. To prepare a yearly evaluation of the Field Training Officer's performance as a trainer. The evaluation will be attached to the Field Training Officer's yearly evaluation. This evaluation will address the following areas:
  - (a) Quality of written work, including daily and weekly evaluations of trainees.
  - (b) Ability to recognize trainee's weaknesses and prepare and implement a plan to address them.
  - (c) The ability to work with a variety of trainees.
  - (d) Whether the Field Training Officer keeps abreast of changes in the law enforcement field.
9. To participate in the orientation process, provide necessary documents, equipment, and the Field Training Manual.
10. To schedule and participate in change of phase meetings and Field Training Officer Meetings.
11. To participate in Department wide training projects and assignments.

(d) **Field Training Officer:** The Duties of the Field Training Officer are:

1. To train and evaluate the performance of the trainees assigned to them.
  - (a) No training will be conducted using functional weapons and or live ammunition (except for on the range and with a Department Rangemaster present) without an FTO Sergeant's approval.
2. To assist in preparing and implementing remedial training plans.
3. To prepare daily and weekly written evaluations on each trainee assigned to him/her for training.
4. To discuss evaluations while on duty in an appropriate area, free from interruptions.
5. To participate in change of phase meetings with other Field Training Officers and with the Field Training Sergeant to advise of trainee progress, strengths or deficiencies.
6. To maintain a student/teacher and or supervisor/subordinate relationship with the trainee:
  - (a) Trainees will not be harassed, intimidated, intentionally embarrassed or treated in a demeaning manner.
7. To maintain a professional relationship throughout the training program, Field Training Officers are prohibited from socializing with any trainee off duty.
8. Field Training Officers are prohibited from dating trainees while the trainee is in the training program.
9. If a Field Training Officer is related to any trainee, or if the Field Training Officer has a romantic and or special relationship with a trainee, that may

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 436 - FTO Program

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influence their objectivity or give the appearance of impropriety if the facts were known, the Field Training Sergeant or Lieutenant shall be notified immediately by the Field Training Officer involved.

10. Field Training Officers are required to attend court with the trainee. The Field Training Officer will utilize the court appearance to demonstrate, train, and evaluate the trainee. Attendance and performance in court should be documented on the next Daily Observation Report.
11. To keep abreast of changes in the field of law enforcement to be an effective trainer.
12. To attend all required Field Training Officer meetings. The Field Training Officer is also required to attend all the change of phase meetings during a training cycle when assigned as a Field Training Officer. Meetings are mandatory, unless the absence is authorized by the Field Training Program Sergeant or Lieutenant. Unexcused absences from mandatory meetings may result in disciplinary action, up to and including removal from Field Training Officer status.
13. To participate in Department wide training projects and assignments.

### 436.3 SELECTION PROCESS

#### **436.31 FIELD TRAINING OFFICER REQUIREMENTS FOR DEPUTIES**

- (a) A minimum of three years sworn law enforcement experience and off probation.
- (b) The prospective Field Training Officer's performance evaluation shall indicate the Deputy meets or exceeds Department standards during the previous evaluation period.
- (c) A high degree of competence in the area of report writing is required. A random review of the applicant's written reports will be conducted.
- (d) The prospective Field Training Officer will be expected to present and maintain a professional appearance and demeanor at all times.

#### **436.32 FIELD TRAINING OFFICER SELECTION PROCESS**

- (a) The applicant shall meet the requirements listed in §436.31 above.
- (b) The applicant shall submit a transfer request form, two copies of reports representative of their level of work, a resume and copies of their last two Performance Evaluations to the Sheriff's Personnel Bureau, to be reviewed by the Field Training Lieutenant and Sergeants.
- (c) A peer evaluation will be distributed to all current Field Training Officers seeking their input on the applicant's skills.
- (d) An evaluation will be sent to the applicant's current and past supervisor requesting their input on the applicant's abilities to perform as a Field Training Officer.
- (e) A review of the applicants personnel file will be made to determine if any disciplinary action has been received that would disqualify the applicant.

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## 436 - FTO Program

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- (f) An oral interview will be conducted of all qualified Deputies. The interview will be conducted by a board comprised of:
  - 1. Field Training Program Lieutenant (or designee)
  - 2. Field Training Program Sergeants

### 436.4 FIELD TRAINING OFFICER EVALUATION PROCESS

- (a) A Field Training Officer shall receive a supplemental evaluation completed by a Field Training Sergeant and attached to the Field Training Officer's evaluation.
- (b) After each evaluation of a Field Training Officer, the Field Training Officer Program Sergeants will review the Field Training Officer's evaluation and FTO supplemental evaluation to ensure that the Field Training Officer meets or exceeds Department standards. If this is not occurring on both evaluations, a review of the Field Training Officer's performance will be conducted by the Field Training Officer Lieutenant and Sergeants. Failure to meet the Department standards or the duties described in this order will lead to remedial training and could result in termination as a Field Training Officer.

### 436.5 FIELD PROGRAM MANUAL

Use, preparation, content and update:

- (a) The Field Training Manual shall be used by Field Training Officers in the training and evaluation of all trainees participating in the Field Training Program.
- (b) The Field Training Officer shall use the Field Training Manual to document the progress of the trainee. It is the responsibility of the Field Training Officer to keep the training manual, issued to the trainee, current by initialing the discussed/demonstrated areas.
- (c) The Field Training Manual shall be reviewed periodically by the Field Training Program Sergeants and Lieutenant to ensure the information is current.
- (d) At the completion of a trainee's program, the trainee's manual will be delivered to Sheriff's Personnel for filing.

### 436.6 ASSIGNMENT OF TRAINEES

Upon completion of the Basic Academy, or initial hiring, the new trainee shall be assigned to an orientation program as described in the Field Training Manual. Each trainee, whether a lateral, re-entry or academy graduate, shall be assigned to the Field Training Program.

- (a) The standard length of the Field Training Program shall be eighteen weeks.
- (b) Lateral entry officers may be considered for early release from the program based on their rate of progress and at least one week of independent evaluations by a Field Training Officer in civilian attire. The Field Training Sergeant shall notify, in writing, the Field Training Lieutenant, if a recommendation is being made for early completion.
- (c) Each trainee will be assigned to at least three different Field Training Officers while participating in the program. In the event a Field Training Officer (due to illness or

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## 436 - FTO Program

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prior commitment) cannot be with his or her trainee, the shift Sergeant shall reassign the trainee to another Field Training Officer. If none is available, a Field Training Program Sergeant will be notified and proper arrangements made.

- (d) The Field Training Lieutenant may recommend a trainee be extended past the normal eighteen weeks of training if it is apparent further training is needed and a reasonable expectation exists that the extension will result in improved performance.
- (e) FTO's will make every effort not to miss assigned shifts with their trainee. Whenever possible the FTO will notify an FTO sergeant in writing, prior to the date, if they are unavailable for assigned shift with a trainee.

### **436.61 EVALUATION PROCESS OF TRAINEE**

- (a) Field Training Officers shall complete a Daily Observation Report of their trainee each day on the Daily Observation Report Form. If the trainee is sick or takes a day off, the Daily Observation Report shall be completed with the date and a notation of why the trainee was not at work.
- (b) The Daily Observation Report shall be completed at the end of each workday and thoroughly document the trainees strengths and deficiencies. If a problem is recognized, it will be detailed completely, including any and all remediation taken to resolve the situation. The evaluation shall be discussed in detail with the trainee, and signed by both the trainee and the Field Training Officer. The Daily Observation Report and any attachments shall be turned in to the Field Training Sergeant each day in a sealed envelope.
- (c) All evaluations shall be neat, legible, and accurate with appropriate content, spelling and grammar.
- (d) The Field Training Officer shall complete a weekly evaluation form at the end of each training week. It shall be discussed in detail, signed by the trainee and the Field Training Officer, and delivered to the Field Training Sergeant who will attach it to the trainee's file.
- (e) After a review of the weekly and daily evaluation forms by the Field Training Lieutenant and Field Training Sergeant, it shall become part of the training file. The Field Training Sergeant will review the weekly and daily evaluation forms and complete a Field Training Program Supervisor's Report with the trainee and then forward the report to the Lieutenant for review. The report will then be returned to the Sergeant who will attach it to the trainee's file.
- (f) At the conclusion of the Field Training Program, the trainee's Field Training Officer shall deliver the completed, signed off, Field Training Manual to the Field Training Sergeant. The manual shall be reviewed to ensure all sections are completed. The manual shall be delivered to the Field Training Lieutenant for review. The Lieutenant will deliver the manual to Personnel for placement in the trainee's file.

### 436.7 TRAINEE RESPONSIBILITY

- (a) Trainees shall complete all assignments in a timely manner. They shall follow all policies and procedures as outlined in the Department's Policy and Procedure Manual.

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## *436 - FTO Program*

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- (b) The trainee's immediate supervisor is the Field Training Officer. Trainees are to follow the Field Training Officer's direction at all times. Trainees shall follow Section III of the General Rules and Regulations if the trainee believes a specific instruction or order is improper, or an evaluation is not fair.
- (c) Trainees shall be receptive to criticism given by their Field Training Officers. They may verbalize an explanation for their actions. However, repeated rationalization, excessive verbal contradictions, and hostility are not acceptable.
- (d) The trainee shall maintain a professional relationship throughout the training program. Trainees are prohibited from socializing with any Field Training Officers off duty.
- (e) Trainees are prohibited from dating any Field Training Officers while in the training program.
- (f) If a trainee is related to any Field Training Officer, or if the trainee has a romantic and or special relationship with a Field Training Officer, that may influence their objectivity or give the appearance of impropriety if the facts were known, the Field Training Sergeant or Lieutenant shall be notified immediately by the trainee.



## 438 - Helicopter Unit

### 438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of the Department helicopter. The Sheriff's Department helicopter operates in four task areas: law enforcement, search and rescue, emergency medical transport and fire suppression/support. The helicopter is available to support all elements of the Sheriff's Department as established by automatic response protocols and by request and authorization in all other areas. On occasion, the helicopter performs tasks for other Sonoma County agencies including; fire, public works, flood control and communications.

### 438.2 PROCEDURE

The Sheriff's Department helicopter is available to other law enforcement agencies in and out of Sonoma County on a mutual aid basis.

#### **438.21 STAFFING**

The normal staffing complement for the helicopter consists of a Pilot, Paramedic and a Deputy Sheriff observer. When only the pilot and paramedic are on board, the helicopter may not be dispatched unless directed to do so by the sworn observer. The crew members for flights that support other agencies such as communications, flood control/assessment etc., will be determined by the sworn observer.

#### **438.22 COMMAND/AUTHORITY**

Each crew member has certain duties and responsibilities during flight operations. It is expected that crew members will work with each other and lend whatever assistance necessary within that person's ability.

- (a) **Sworn Observer** - The observer is the Sheriff's Department representative during flight operations and is, therefore, in charge from an operational aspect. As the law enforcement officer during flight operations, the observer will take whatever law enforcement action necessary and prudent under the circumstances at hand. The observer will be in charge of and will direct rescue operations conducted by the helicopter.
- (b) **Pilot** - The pilot is in charge of the aircraft from an aviation aspect. The pilot shall have the final authority in determining whether a flight will be suspended or canceled due to safety factors.
- (e) **Paramedic** - The paramedic is the medical authority during helicopter operations.

#### **438.23 AUTOMATIC RESPONSES**

The helicopter unit may automatically respond anywhere within Sonoma County, or in bordering counties at their request, without the approval of a Watch Commander, for the following purposes.

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## *438 - Helicopter Unit*

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- (a) Rescue calls at any time;
- (b) In-progress felonies during normal duty hours;
- (c) Vehicle or foot pursuits during normal duty hours;
- (d) Emergency medical incidents;
- (e) Medical transports from the Redwood Coast Medical Service (RCMS) located in Gualala; and
- (f) Requests for fire suppression.

Notice of all automatic response shall be provided to the Watch Commander while en route.

### **438.24 CALL-OUT RESPONSES**

The helicopter is available after regular duty hours in an on-call status. Law Enforcement requests or requests for details not listed above in Section III C must be approved by the Watch Commander, or in his absence, the Sergeant.

- (a) When calling out the helicopter after duty hours, Dispatch shall contact the on-duty observer, who shall screen the request and decide if the flight crew should be paged.

### **438.25 OUT-OF-COUNTY MEDICAL TRANSFERS**

The Sheriff's helicopter may be utilized for an out-of-county medical transfer (moving a patient from one hospital to another) only on a "last resort" basis. Dispatch will determine from the requesting facility that:

- (a) The requesting facility has contacted the other air ambulance services for that area and none are available or feasible.
- (b) The patient is in such a serious medical condition that rapid transport via helicopter is truly necessary.
- (c) Once these conditions have been met, the helicopter may make the flight with authorization from the sworn observer.

### **438.26 MARIJUANA ERADICATION**

The Sheriff's helicopter shall not be used for routine marijuana eradication efforts. Any marijuana eradication efforts are subject to the following guidelines:

- (a) The Sheriff's Helicopter shall not be used in the performance of random searches or over-flights for the express purpose of locating marijuana under cultivation.
- (b) The Sheriff's Helicopter shall not be used to confirm reports or information on specific locations of suspected marijuana cultivation with the following exceptions:
  - 1. When, in the opinion of the investigating Deputy, there is reasonable cause to believe use of the Sheriff's Helicopter, versus other resources, would serve to forestall;
    - (a) Potential danger to life
    - (a) The destruction of evidence

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *438 - Helicopter Unit*

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- (b) Possible escape of the violator
- (c) If other resources are not available, the Sheriff's Helicopter may be used during the service of search warrants or to assist in the seizure of cultivated marijuana where the circumstances warrant it.
- (d) Nothing written in these guidelines shall prevent the members of the Sheriff's Helicopter Unit from taking appropriate enforcement actions whenever, in the course of performing their other missions, they inadvertently observe the unlawful cultivation of marijuana.

### 438.3 ASSIGNMENT PRIORITIES

In the event of simultaneous requests for the Department helicopter or should a second request be received while the helicopter is on another call, the following guideline shall be used to determine call priority:

#### **438.31 PRIORITY I: LIFE THREATENING-CRITICAL NEED**

- (a) *RESCUE*: Diver in trouble, boat/boaters in distress, person fell from cliff, etc.
- (b) *LAW ENFORCEMENT*: Code 30, shots fired.
- (c) *EMERGENCY MEDICAL*: Serious injury or trauma when the helicopter is the primary Advanced Life Support Unit.
- (d) *FIRE*: Threatening Life

#### **438.32 PRIORITY II: POTENTIALLY LIFE THREATENING**

- (a) Vehicle or foot pursuits
- (b) Other medical dispatches
- (c) In progress felonies
- (d) Fire threatening populated area

#### **438.33 PRIORITY III: OTHER SERIOUS INCIDENTS**

- (a) Outside law enforcement request
- (b) Search for lost or missing person
- (c) Out-of-county medical transfer
- (d) Locating hot spots with the thermal imagery device or assisting with mop up efforts of fires

#### **438.34 PRIORITY IV: NON-EMERGENCY REQUESTS**

- (a) Unit training
- (b) Inter-departmental requests
- (c) Outside agency requests

## 440 - Photographing of Field Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish guidelines for the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the field Deputy, the decision to photograph a field detainee shall be left to the discretion of the involved Deputy based on the totality of the circumstances available to them at the time of the detention. Access to field interview photographs shall be strictly limited to law enforcement purposes.

### 440.2 FIELD PHOTOGRAPHS

Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered "field photographs". Before photographing any field detainee, the Deputy shall carefully consider, among other things, the factors listed below.

#### **440.21 PHOTOS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

#### **440.22 PHOTOS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if the photograph is taken during a detention based upon reasonable suspicion of criminal activity. No detention shall be prolonged for the sole purpose of taking a photograph.

#### **440.23 DISPOSITIONS OF PHOTOGRAPHS**

Photographs taken during field interviews shall be attached to the field interview and submitted to the Central Information Bureau. Photographs taken during an incident where a crime report was written shall be placed into evidence.

## 444 - Watch Commanders

### 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. To accomplish this goal, a lieutenant heads each watch.

### 444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior main office sergeant shall be designated as Acting Watch Commander unless otherwise designated by the Watch Commander. This policy does not preclude designating sergeants with less seniority as an Acting Watch Commander when operational needs require, or training permits.

## 449 - Mobile Data Computer Use

### 449.1 PURPOSE AND SCOPE

The mobile data computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

### 449.2 GENERAL

MDC's are not intended to replace the radio as the primary means of communications. Field personnel shall determine their levels of use of the MDC at any given time, based on personal safety issues. The primary consideration of this procedure is the safety of the people using the system.

### 449.3 FIELD USER RESPONSIBILITY

- (a) Field personnel have the capability of changing their unit status via the MDC, including enroute, on scene, transport, transport complete, and available. They also have the ability to initiate activity via the MDC.
  - 1. Properly executed commands will appear on the dispatcher's status monitor as they occur.
  - 2. Any status change may also be voice broadcast. All unit status changes will either be voiced, or executed by the appropriate commands on the MDC.
    - (a) Terminal-to-terminal messages will not be used for unit status changes.
- (b) Field personnel may record information on the MDC that is relevant to the event.
- (c) Each MDC is equipped with emergency buttons.
  - 1. These buttons are not intended to replace the voice radio when a unit is in an emergency situation. They are available if the voice radio malfunctions or the unit is otherwise unable to get through on the radio.
  - 2. When one of the buttons is depressed, the MDC sends an urgent message to the dispatcher indicating the unit has an emergency and displays the current event, if applicable. If the unit is not on an event, an event is created, based on the most recent G.P.S. location broadcast for the unit. In either case, the dispatcher will respond assistance, then attempt to establish voice contact with the unit indicating the emergency.

### 449.4 MDC USE

- (a) The MDC shall be used for official police communications only, and any information obtained via the MDC shall be treated as confidential.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *449 - Mobile Data Computer Use*

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1. Messages that are of a sexual nature, racist, offensive, critical of any member of the Department, or otherwise unprofessional are strictly forbidden.
  2. Terminal-to-terminal messaging will be brief and relevant to official law enforcement business only.
  3. All messages are logged and stored for retrieval for purposes of investigation, prosecution, litigation, audits, and internal review.
  4. There is no expectation of privacy in these messages, any of which are subject to periodic and unannounced audits to ensure compliance with this procedure.
  5. Any of these messages may, with due process, be recalled for court, disciplinary action, or other legal proceedings.
- (b) Employees generating or transmitting messages not in compliance with this policy are subject to discipline.
- (c) Field personnel may elect to use the MDC for any number of State and Federal criminal database inquiries, including license plates, driver's licenses, property, guns, wanted persons, supervisory release files, restraining order files, criminal histories, and RMS or I/LEADS inquiries.
1. State and Federal laws, and Department procedures govern the use of all of these database systems. Records of these transactions are maintained by the Department of Justice, who conducts periodic audits to ensure compliance with all laws. Employees accessing these databases shall comply with applicable State and Federal laws. Database transactions are also logged locally and audits/reviews are conducted locally as well as by DOJ.

### 449.5 USE WHILE DRIVING

- (a) Sending or reading MDC messages while a patrol vehicle is in motion is a potentially dangerous practice.
- (b) Reading messages while in motion should only be attempted when the message requires the deputy's immediate attention.

### 449.6 MDC CONSIDERATIONS

#### **449.61 NON-FUNCTIONING MDC**

Whenever possible, Deputies will not use units with malfunctioning MDC's. Whenever Deputies must drive a unit in which the MDC is not working, they shall notify dispatch.

#### **449.62 BOMB CALLS**

When investigating reports of possible bombs, Deputies will turn off their MDC's. Operating the MDC may cause some devices to detonate.

## 450 - Use of Audio Tape Recorders

### 450.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department has provided each of its sworn members with access to audio tape recorders for use while on duty. These recorders are designed to assist Deputies in the performance of their duties by providing an audio record of a contact being recorded.

### 450.2 ACTIVATION OF AN AUDIO TAPE RECORDER

Generally, Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

- (a) Any member of this Department may surreptitiously record any conversation during the course of a criminal investigation in which the Deputy reasonably believes that such a recording will be beneficial to the investigation.
  - 1. For the purpose of this policy, any Deputy contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. (This presumption shall not apply to contacts with other members conducted solely for administrative purposes.)
  - 2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed Deputy wearing a conspicuously mounted tape recorder will have knowledge that such a contact is being recorded.
- (b) Members of the Department are encouraged to activate their recorders at any time that the Deputy reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.
  - 1. At no time should a Deputy jeopardize his or her safety in order to activate a tape recorder or change a tape.
  - 2. Deputies are prohibited from utilizing department tape recorders and cassette tapes for personal use.

### 450.3 RETENTION OF TAPES

At any time that a Deputy records any portion of a contact which the Deputy reasonably believes constitutes evidence in a criminal case, the Deputy shall dictate the related case number onto the tape and book the entire tape into evidence.

- (a) The Deputy shall further note in any related report that the cassette tape has been placed into evidence.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *450 - Use of Audio Tape Recorders*

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- (b) Cassette tapes placed into evidence shall be retained through the final disposition of the related criminal case.

### **450.31 NON-CRIMINAL MATTER**

At any time that a Deputy reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g. a hostile contact, etc.), the Deputy may place the entire cassette tape into safekeeping.

- (a) Under such circumstances, the Deputy shall notify a supervisor of the existence of the tape as soon as practicable.
- (b) Tapes which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g. internal investigation, civil litigation, etc.).
- (c) Once any cassette tape has been filled, the Deputy shall place the entire tape into safekeeping where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

### **450.4 REVIEW OF CASSETTE TAPES**

Cassette tapes may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of Deputy conduct.
- (b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation.
- (c) By the personnel who originally recorded the tape.
- (d) Pursuant to lawful process or by Court personnel otherwise authorized to review evidence in a related case.
- (e) By media personnel with permission of the Sheriff or authorized designee.

## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations.

### 452.2 ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

- (a) California does not provide any exception for individuals driving under the influence of marijuana and all such cases should be handled with appropriate enforcement action (e.g. Vehicle Code § 23152, et seq.).
- (b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for "personal use" should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code § 11357, 11358 and 11359.
  1. Unless a doctor has expressly prescribed a greater amount, no qualified patient or primary caregiver may possess more than eight (8) ounces of dried marijuana per individual. Health & Safety Code § 11362.77(a).
  2. A qualified patient or primary caregiver may also maintain no more than six mature or twelve immature marijuana plants per individual.
- (c) In any case involving the possession or cultivation of marijuana, the handling deputy should inquire whether or not the involved individual(s) is claiming that the marijuana is for medicinal purposes.
  1. If no such claim is made, the officer should proceed with normal enforcement action.
  2. If a claim of medicinal use is made, the officer should proceed as outlined below.

### 452.3 MEDICINAL USE CLAIMS

In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. (Note: If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.)

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## Medical Marijuana

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### **452.31 PATIENTS**

- (a) An individual may establish their status as a "qualified patient" by presenting a current and valid identification card issued by the Department of Health. Health & Safety Code § 11362.735. Such identification cards shall contain the following information:
1. A unique serial number
  2. An expiration date
  3. The name and telephone number of the County Health Department approving the application.
  4. A 24-hour toll-free number for law enforcement to verify the validity of the card.
  5. A photograph of the cardholder.

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently. Health & Safety Code § 11362.78

- (b) If the individual does not possess a valid identification card, the individual claiming status as a "qualified patient" must minimally provide the following information:
1. Satisfactory identification establishing current residency in California.
  2. A current and valid prescription for marijuana from a California licensed physician
  3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

All of the above items should be photocopied for inclusion with any related report and then promptly returned to the individual.

### **452.32 PRIMARY CAREGIVERS**

A primary caregiver is not authorized to use, sell or possess marijuana for sale.

- (a) Must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
- (b) Must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's prescription.

### **452.33 CLAIM REQUIREMENTS MET**

Once the handling officer is satisfied that the individual(s) making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

- (a) A sample of the involved marijuana should be seized and booked into evidence.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## Medical Marijuana

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- (b) Any small amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report.
- (c) If the handling deputy has already taken the individual(s) into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and, there are no other criminal charges pending or being investigated, the individual(s) should be released pursuant to Penal Code § 849(b).
- (d) If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility. Health & Safety Code § 11362.785(c)
- (e) The handling deputy shall complete a timely report which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether or not the medicinal marijuana defense will apply.

### **452.34 RETURN OF MARIJUANA**

Regardless of the prosecution status or disposition of any related criminal case, this Department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring same. Health & Safety Code § 11362.785(d)

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 5 – General Operations**

## 500 - Traffic Function & 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, citizen complaints, and traffic conditions. This agency 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 ENFORCEMENT

The enforcement of traffic laws in the unincorporated areas of Sonoma County is primarily the responsibility of the California Highway Patrol and in the incorporated areas, the responsibility of the city police departments. However, it is also recognized that in certain circumstances, the Sheriff's Department would be remiss in its responsibility to the public if Vehicle Code violations were not enforced, irrespective of jurisdiction. The Sheriff's Department recognizes the quality of life in our communities is often impacted by traffic-related issues. In a spirit of cooperation and collaboration with other agencies and our community, the Sonoma County Sheriff's Department will participate to assist in mitigating these issues.

### 500.3 PROCEDURES

#### **500.31 VEHICLE CODE ENFORCEMENT**

- (a) The disposition of a Vehicle Code violation, be it a verbal warning, written warning, citation or an arrest, on misdemeanors or infractions, is the Deputy's discretion. The Deputy should consider the type of violation, the hazard it created to the community and what level of enforcement is necessary to correct the behavior.
- (b) In certain situations, the vehicle involved in a traffic violation is subject to removal and can be stored or impounded. If the Deputy elects to store or impound a vehicle, he/she shall follow the Vehicle Code, using the proper authority section, and Policy Manual § 510 "Vehicle Towing."
  - 1. Deputies shall not tow a vehicle for 22651(o) VC, a vehicle not currently registered when there is a "RIP" (Report of Deposit of Fees in Process), a "TIP" (Transaction in Process), a "SIP" (Suspense in Process) or an "EIP" (Error in Process) unless the date of the "RIP," "TIP," "SIP," or "EIP" on the DMV Printout is more than six months old.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *500 - Traffic Function & Responsibility*

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### **500.32 DRIVING UNDER THE INFLUENCE**

- (a) The Sheriff's Department recognizes the danger that drivers who are under the influence of alcohol and/or drugs pose to our community. Deputies shall take proper enforcement action to adequately protect the public from this danger.
- (b) Deputies may request assistance from the California Highway Patrol when a driver is suspected of being under the influence pursuant to the inter-agency agreement between the California Highway Patrol and the Sonoma County Sheriff's Department.
- (c) The Sheriff's Department does not have inter-agency agreements with city jurisdictions for driving under the influence turnovers although some agencies will accept them. Deputies should request the responsible jurisdiction via dispatch.
- (f) Deputies must be familiar with driving under the influence arrest procedures and the required reports.

### **500.33 PARKING ENFORCEMENT**

- (a) The enforcement of parking regulations in the unincorporated areas of Sonoma County is primarily the responsibility of the California Highway Patrol pursuant to the inter-agency agreement between the California Highway Patrol and the Sonoma County Sheriff's Department.
- (b) The Sheriff's Department will assist the California Highway Patrol, as time allows, in the enforcement of parking regulations in areas of the county that result in a high amount of calls for service.
- (c) Deputies shall be familiar with parking regulations and are encouraged to assist in the enforcement, as time allows, of hazardous violations.

## 502 - Traffic Collision Reporting-Contract Cities

### 502.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and, as a public service, makes traffic collision reports available to the community with some exceptions.

### 502.2 RESPONSIBILITY

The sergeant in charge of the Traffic Unit will be responsible for distribution of the Collision Investigation Manual. The Traffic Unit Sergeant will receive all changes in the State Manual and ensure conformity with this policy.

### 502.3 TRAFFIC COLLISION REPORTS

All Traffic Collision Reports shall be approved by the Traffic Sergeant and forwarded to the Central Information Bureau for processing.

### 502.4 REPORTING SITUATIONS

#### **502.41 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or vehicle code violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

#### **502.42 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

Traffic collision reports shall be taken when they occur on a roadway or highway within the County of Sonoma when there is a death or injury to any persons involved in the collision, a violation of the vehicle code, or a request by either driver for a traffic collision report.

#### **502.43 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS**

A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless there is also a death, an injury, a vehicle code violation or request of either driver for a report.

### 502.5 CONTRACT CITY TRAFFIC POLICIES

Members shall comply with the applicable contract city's traffic policies.



## 510 - Vehicle Towing Policy

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Sonoma County Sheriff's Department.

### 510.2 RESPONSIBILITIES

The responsibilities of those members storing or impounding a vehicle are set forth below:

- (a) Nothing in this policy shall require the Department to tow a vehicle.

#### **510.21 COMPLETION OF CHP FORM 180**

Deputies requesting storage of a vehicle shall complete a CHP Form 180, including a description of property within the vehicle. A copy (as indicated on the CHP Form 180) is to be given to the tow truck operator and the original is to be submitted to the Central Information Bureau as soon as practical after the vehicle is stored.

Central Information Bureau personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the State computer and attach to the original report.

Central Information Bureau personnel, in compliance with Vehicle Code § 22852, shall mail a copy of the approved storage form to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, unless the vehicle has been released.

#### **510.22 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the Deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotation towing company list in the Dispatch Center. The Deputy will then store the vehicle using a CHP Form 180.

#### **510.23 DRIVING A NON-COUNTY VEHICLE**

Vehicles which have been towed by or at the direction of the Police Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

#### **510.24 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.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *510 - Vehicle Towing Policy*

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If the request is for rotation towing, the dispatcher shall call the firm whose name appears next on the rotation log, and shall make appropriate entries on that form to ensure that the next firm is called on the next request.

### 510.3 EVIDENCE IMPOUNDS

Vehicles towed and secured as evidence for purposes of investigation at the expense of the county.

#### **510.31 VEHICLES IMPOUNDED AS EVIDENCE**

A Deputy Sheriff may impound a vehicle as evidence (22655 VC and related sections) or for the service of a search warrant. In such cases, the Deputy shall request a tow for an "Evidence Impound." Dispatch will send the tow vendor who has contracted with the Sheriff's Department to tow vehicles seized as evidence. The evidence tow vendor will then take the vehicle to their secure impound facility. If the vehicle in question is to be towed immediately to the Sheriff's Department Vehicle Processing Bay, then any rotational tow may be utilized. All vehicles being towed to the Sheriff's Department Vehicle Processing Bay must be pre-authorized by a Crime Scene Investigations Detective before the tow company is notified.

(a) The Deputy shall:

1. In the event it is believed the vehicle may require extensive forensic processing, the Deputy should confer with the on-duty Crime Scene Detective to determine the location of storage. If no Crime Scene Detective is available, or the vehicle does not require extensive forensic processing, the vehicle will be taken to the contract impound location and sealed. A Deputy shall follow the vehicle to the impound location to keep the chain of evidence intact.
2. Not search or inventory the contents of the vehicle being impounded as evidence without approval from the Detective or a Patrol supervisor. The Deputy shall take the necessary precautions to secure the vehicle pending crime scene processing or the service of the search warrant, as appropriate, such as placing evidence tape on points of entry into vehicle and vehicle cavities as needed.
3. Complete the inventory required for the CHP 180 form, on the basis of a visual inspection when no search is requested.
4. Indicate the proper Vehicle Code authority section on the CHP 180 for the tow and mark it as "Impounded". The "Agency Hold" box shall also be marked on the CHP 180.
5. Provide a copy of the CHP 180 to the person who had custody of the vehicle, if possible, and verbally notify the driver of the release fee.
6. Provide the tow truck driver with a copy of the CHP 180, signed by the Deputy impounding the vehicle and the tow truck driver who receives the vehicle. In the event the vehicle is towed to the Sheriff's Department Vehicle Processing Bay, the copy of the CHP 180 will remain with the vehicle and the disposition of the vehicle is to be noted in the Deputy's report.
7. Notify Dispatch of the color, make, model, body style, license number and the Vehicle Code authority section. Dispatch will enter the vehicle into CLETS, including the authority section.

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## *510 - Vehicle Towing Policy*

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8. Attach the original CHP 180 and the CLETS printout (showing DMV current registered owner and the storage notice) to the Arrest/Incident report.
- (b) The Central Information Bureau shall mail a Notice of Vehicle Storage and the release fee requirements to the registered owner.
- (c) A vehicle impounded as evidence shall be released as soon as possible. The investigating Deputy detective must authorize the release of a vehicle impounded as evidence. A property release form must be completed and delivered to the Central Information Bureau. The department will pay for impound and storage costs until the vehicle is ordered released. A release fee is required for vehicles impounded as evidence.
  1. Central Information Bureau staff shall deliver the original property release form to the registered owner and send a copy of the release to the towing company by facsimile as soon as possible. The date and time when the notice was faxed shall be noted on the release. A copy of the release will be attached to the report.

### 510.4 NON-EVIDENCE VEHICLE IMPOUNDS

Vehicles impounded pursuant to the Vehicle Code other than as evidence (e.g. 14602.6) and at the expense of the registered or legal owner of the vehicle.

- (a) A Deputy Sheriff may impound a vehicle pursuant to the Vehicle Code. The registered or legal owners are responsible for all towing and storage expenses. In such cases, the Deputy shall request a "rotation tow" for an "impound per (state the authority section)" and shall:
  1. Conduct a thorough search of the vehicle and all compartments and containers to determine if the vehicle contains any valuables, hazardous materials, or dangerous items. List all items of value on CHP 180. Items released to the owner at the scene should be noted on the report.
  2. Notify Dispatch of the color, make, model, body style, license number of the vehicle and Vehicle Code authority section. Dispatch will enter the vehicle into CLETS, including the authority section.
  3. Provide a copy of the CHP 180 to the person who had custody of the vehicle, if possible, and verbally notify the driver of the release fee.
  4. Indicate the proper Vehicle Code authority section (e.g. 14602.6 VC) on the CHP 180. The CHP 180 shall reflect the vehicle as "Impounded" and the "Agency Hold" box shall be marked.
  5. Provide the tow truck driver with a copy of the CHP 180 signed by the Deputy impounding the vehicle and the tow truck driver who receives the vehicle.
  6. Attach the original CHP 180 and the CLETS printout (showing DMV current registered owner and the storage notice) to the Arrest/Incident report.
- (b) The Central Information Bureau shall mail a Notice of Vehicle Storage and the release fee requirements to the registered owner.
- (c) A vehicle impounded for any reason other than evidence may be released after the requirements of the impounding authority are met; the vehicle has current

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registration pursuant to Vehicle Code § 22850.3; and payment of the release fee. The Central Information Bureau Manager, Patrol Supervisor or their designee may issue a release.

- (d) The original Property Release form shall be given to the registered owner upon the payment of the Release Fee, and a copy sent to the towing company by facsimile as soon as possible. The date and time when the notice was faxed shall be noted on the release. A copy of the release will be attached to the report.

### 510.5 STORED VEHICLES

Vehicles towed for the purposes of safety or security and pursuant to Vehicle Code authorities, at the expense of the registered or legal owner.

It shall be the Deputy's decision whether to store or park a vehicle, subject to the criteria listed in this order, after an arrest or the issuance of a citation, as the arrestee may be unable to make the proper decision regarding the disposition of the vehicle. When a Deputy determines that a vehicle needs to be stored, the primary considerations shall be the safety of the general public and the preservation and security of the arrestee's property.

- (a) A Deputy should consider these questions:
1. Are there hazardous materials or dangerous objects in the vehicle, which may present a danger to the public?
  2. Are there valuables which must be protected against theft or loss?
  3. Does the vehicle present a danger to the public if left parked in its present location and/or condition?
  4. Is the vehicle unable to be secured?
- (b) If the answer is "yes" to any of the above questions, the vehicle should be stored. The Deputy shall:
1. Conduct a thorough search of the vehicle and all compartments and containers. List all items of value on the CHP 180. Any items released to the owner at the scene should be noted on the report.
  2. Indicate the proper Vehicle Code authority section (e.g. 22651(h)) on the CHP 180. The CHP 180 shall reflect the vehicle as "Stored" and the "Agency Hold" box shall be marked, as a release fee is required prior to release.
  3. Provide a copy of the CHP 180 to the person who had custody of the vehicle, if possible, and verbally notify the driver of the release fee.
  4. Provide the tow truck driver with a copy of the CHP 180 signed by the Deputy storing the vehicle and the tow truck driver who receives the vehicle.
  5. Notify Dispatch of the color, make, model, license number of the vehicle and the Vehicle Code authority section. Dispatch will enter the vehicle into CLETS, including the authority section.
  6. Attach the original CHP 180 and the CLETS printout (showing DMV current registered owner and the storage notice) to the Arrest/Incident report.
- (c) The Central Information Bureau shall mail a Notice of Vehicle Storage and the release fee requirements to the registered owner.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *510 - Vehicle Towing Policy*

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- (d) A stored vehicle may be released if it has current registration pursuant to 22850.3 of the Vehicle Code and after payment of the release fee. The Central Information Bureau Manager, Patrol Supervisor or designee may issue a release.
- (e) The original Property Release form shall be given to the registered owner and a copy sent to the towing company by facsimile as soon as possible. The date and time when the notice was faxed shall be noted on the release. A copy of the release will be attached to the report.

### 510.6 ROTATION TOW SERVICES

The department shall use the CHP approved rotation tow list.

- (a) Any complaint alleging a violation of the agreement or other misconduct by a rotation operator shall be referred to CHP for investigation. The CHP routinely reviews the performance of each authorized rotational operator.
- (b) The Department 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.
- (c) All Deputies are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

### 510.7 VEHICLE INVENTORY SEARCHES

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. Deputies 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 police custody, to ensure against claims of lost, stolen or damaged property, and to provide for the safety of Deputies.

### 510.8 RELEASE OF PERSONAL PROPERTY INSIDE TOWED VEHICLES

- (a) Impounds
  1. Evidence: Normally, property in a vehicle impounded as evidence will not be released. The investigating Deputy or detective must approve exceptions to this procedure. All property returned must be listed on an Evidence or Property Release form. The original Release form will be given to the registered owner. A copy of the form shall be faxed to the tow company, and a copy placed with the original report.
  2. Non-Evidence Impounds and Stored Vehicles: Personal property (property not attached to the vehicle) can be released to the registered owner per Vehicle Code Section 22851(b). All personal property released shall be itemized on the Evidence or Property Release form. The original Release form will be given to the registered owner. A copy of the form shall be faxed to the tow company, and a copy placed with the original report.

Note: Tow companies will require proper identification from the registered owner prior to release of property.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *510 - Vehicle Towing Policy*

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### 510.9 VEHICLE RELEASE FEE

A fee paid to the Sheriff's Department pursuant to Vehicle Code section 22850.5 and Sonoma County Ordinance No. 5036. Release fees shall be collected prior to the release of impounded vehicles (except evidence impounds and recovered stolen / embezzled vehicles) and all stored vehicles.

### **510.91 AUTO LEVIES**

As a result of a court judgment, a Deputy may be directed to levy on a vehicle. The Sheriff's Civil Bureau will provide appropriate information and storage instructions.

- (a) The Deputy will request a rotation tow via Dispatch.
- (b) No CHP 180 is needed. The Civil Bureau inventory sheet shall be completed. A copy of the inventory shall be provided to the tow truck driver.
- (c) The vehicle is not entered into the CLETS System.
- (d) The Sheriff's Department is responsible for payment of the towing and the tow company can place no lien on the vehicle.
- (e) No release fee is charged

## 512 - Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

### 512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Sonoma County Sheriff's Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent.

#### **512.21 HEARING PROCEDURE**

The vehicle storage hearing is an informal process to evaluate the validity of a stored or impounded vehicle. Any relevant evidence may be submitted and reviewed by the Hearing Officer to determine if the vehicle in question was lawfully stored or impounded, in accordance with Sonoma County Sheriff's Department policies and procedures. The member of the Department that stored or impounded the vehicle does not need to be present for this hearing. The hearing shall be conducted within 48 hours, excluding weekends and holidays, upon the timely request by the registered or legal owner or their agents pursuant to Vehicle Code section 22852. The hearing shall be documented on a Post Storage Hearing Report form and delivered to the Central Information Bureau for filing with the original report.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, writing, or by telephone within 10 days of the date appearing on the notice. The Watch Commander will generally serve as the Hearing Officer. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle storage/impound Hearing Officer shall consider all information provided and determine the validity of the storage or impound of the vehicle in question and then render a decision.

- (a) The Hearing Officer shall find either:
  - 1. The storage or impound was lawful or
  - 2. The storage or impound was unlawful.
  
- (b) If the registered or legal owner agrees, the hearing may be conducted over the telephone.
  
- (c) At the conclusion of the hearing, the party requesting the hearing shall be advised of the decision and provided a copy of the hearing report upon request. Where the storage or impound is found to be lawful, the owner has the following options:

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 512 - Vehicle Impound Hearings

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1. Pay the towing fee, storage fees, and the release fee and retrieve the vehicle after the release is authorized.
2. Allow the vehicle to be sold to satisfy the lien per section 22851 VC.
3. Seek reimbursement for the towing and storage fees by filing a claim with the County of Sonoma Risk Management Department. Claims must be filed within 100 days of the hearing to comply with Government Code § 911.2.
4. Vehicle Code § 22852 does not apply to vehicles impounded pursuant to §§ 22660 through 22668 inclusive, 22710, 22658 (removal from private property) or 22669 where the vehicle's estimated value is three hundred (\$300.00) or less. See Vehicle Code § 22851.3 for Post Storage Hearings required on abandoned vehicles.

A decision that the vehicle was not stored or impounded in a lawful manner or within Department policy will require that the vehicle in storage be released immediately. Towing and storage fees will be paid at the Department's expense.



## 514 - Alcohol Related Offenses

### 514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed for the handling of intoxicated persons and the procedures while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated, unconscious drivers and unconscious pedestrians involved in traffic collisions because of their intoxicated state.

### 514.2 PROCEDURES

- (a) When an intoxicated person is detained by a Deputy, that person shall be transported, without delay, to a detoxification facility.
  - 1. If necessary, medical clearance for the intoxicated person shall be obtained at Community Hospital prior to releasing them to the detoxification facility staff.
  - 2. Dispatch shall be advised when an intoxicated person has been delivered to a detoxification facility. The information shall be entered into the CAD system. It is not necessary to draw a CR number or write a report.
- (b) An intoxicated person may be booked into a detention facility only under the following conditions:
  - 1. The intoxicated person is refused admittance to a detoxification facility.
  - 2. The intoxicated person is argumentative to the point that they would disrupt the operation of a detoxification facility.
  - 3. The intoxicated person is combative.
  - 4. The intoxicated person is arrested for other offenses, in addition to being intoxicated.
- (c) Intoxicated persons who are to be booked into a detention facility shall be transported there without delay.
  - 1. If necessary, medical clearance for the intoxicated person shall be obtained prior to releasing them to Correctional Staff.
  - 2. Unless extraordinary conditions exist, persons booked into a detention facility shall be released when sober, pursuant to Penal Code § 849(b)(2).
    - (a) Arresting Deputies shall note on the booking forms the fact that the prisoner is to be released per 849(b)(2) P.C.
    - (b) If an arrestee is not to be released per 849(b)(2) P.C., correctional staff shall be so advised by the arresting/transporting officer.

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## *514 - Alcohol Related Offenses*

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3. Arresting Deputies shall note the circumstances, in their report, which necessitated the booking of the individual into a detention facility rather than placement into a detoxification facility.

### 514.3 CHEMICAL TESTING

A suspect who is unable to submit to a chemical test because of any of the following, shall not be considered as refusing to comply with the provisions of Vehicle Code § 13353:

- (a) Because of the inability of the Department to furnish a selected test,
- (b) If there are verifiable medical reasons for non-compliance,
- (c) If an attending physician refuses to allow it.

### **514.31 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL**

The Deputy shall notify hospital personnel of the intention to administer a chemical test to an unconscious suspect at a hospital. Unless the attending physician objects for medical reasons, the hospital shall collect blood or urine samples in the prescribed manner. Alternatively, the Deputy may contact a contract provider for the service.

### **514.32 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL**

When there is probable cause to believe that an unconscious driver is under the influence, there is no method of informing the individual of the arrest; neither can there be any verbal consent on the part of the suspect to allow one of the two possible chemical tests at the hospital to determine his or her blood alcohol level. This presents an exigent situation, which excuses the requirement of consent. The Deputy shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner. Alternatively, the Deputy may contact a contract provider for the service.

### **514.33 UNCONSCIOUS PEDESTRIAN AT A HOSPITAL**

When there is probable cause to believe that an unconscious pedestrian has been involved in a traffic collision because of his or her intoxicated condition, a blood sample may be extracted as evidence. The Deputy shall advise the attending physician of his or her intention to extract a blood sample and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner. Alternatively, the Deputy may contact a contract provider for the service.

### **514.34 EMERGENCY DOCTRINE**

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Both §514.32 and §514.33 of this chapter come within the guidelines of the emergency doctrine.

### **514.35 COLLECTING BLOOD EVIDENCE**

A Certified Phlebotomist will usually withdraw a blood sample, witnessed by a Deputy. On rare occasions, the situation might arise where a medical doctor or registered nurse would be asked to obtain blood samples from a suspect.

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## *514 - Alcohol Related Offenses*

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### **514.36 FORCED WITHDRAWAL OF BLOOD**

Blood may be taken by force in any felony or in a misdemeanor drunk driving investigation when the suspect, after having been advised of his or her rights per Vehicle Code § 13353, refuses to take a chemical test. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- The suspect must be in custody and the Deputy must have reason to believe the suspect is intoxicated.
- The blood is taken in a medically approved manner.
- Only reasonable force may be used to restrain the arrestee.

A Deputy shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by a supervisor, when possible, keeping in mind the following:

- In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn will be permitted.
- In misdemeanor cases, if the suspect becomes violent to the extent that he or she cannot be controlled, then additional force will not be used and a refusal noted in the report.

When a suspect does not submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, the suspect shall not be required to take a blood test.

### **514.37 COLLECTING BREATH AS EVIDENCE**

If the arrested person chooses a breath test, a Deputy trained in the use of the alcohol breath machine shall record the blood alcohol level by obtaining samples of the suspect's breath.

### **514.38 COLLECTING URINE AS EVIDENCE**

If the arrested person chooses a urine test, he or she shall be promptly transported to the Jail. The correctional officer will furnish a urine kit for collecting samples of the arrested person's urine. The Deputy shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

The urine container shall then be marked accordingly with the suspect's name, offense, department, case number, and the name of the witnessing Deputy.

The urine kit shall then be placed in the evidence refrigerator to await transportation to the Crime Laboratory.

Urine samples shall be collected and/or witnessed by a Deputy or correctional officer of the same gender as the suspect.

## 516 - Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

The Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

### 516.3 DISMISSAL OF TRAFFIC CITATIONS

Members of this agency 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)).

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

### 516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the Deputy issuing the citation shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation on the prepared correction form.

### 516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Sheriff's Department shall be forwarded to the member's immediate supervisor for review. The citation copies shall then be filed with the Central Information Bureau.

Upon separation from employment with the Department, all members issued traffic citations books shall return any unused citations to the Personnel Bureau.

## 520 - Disabled Motorists

### 520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 specifies that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to disabled motorists within their primary jurisdiction.

### 520.2 DEPUTY RESPONSIBILITY

When an on-duty Deputy observes a disabled motorist 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 police personnel will be contingent on the time of day, the location, the availability of departmental resources and the vulnerability of the disabled motorist.

#### **520.31 MECHANICAL REPAIRS**

Department personnel shall not make mechanical repairs to a citizen's vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

## 524 - Abandoned Vehicle Abatement

### 524.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department recognizes that abandoned vehicles on public and private property creates a public nuisance and promotes blight in the community. The Sheriff's Department will work with citizens and other state and local agencies to remove abandoned vehicles. Abandoned vehicles shall only be removed during week days between the hours of 0800-1600 (excluding holidays), unless there is an immediate danger to the community.

### 524.2 PROCEDURE

#### **524.21 HIGHWAY/ROADWAY**

The California Highway Patrol has the primary responsibility for the removal of abandoned vehicles on the roadways in the unincorporated areas of the County. This responsibility is established pursuant to the inter-agency agreement between the Santa Rosa Office of the California Highway Patrol and the Sonoma County Sheriff's Department. If the Sheriff's Department receives a call of an abandoned vehicle on a public highway/roadway, the call will be referred to the California Highway Patrol.

- (a) This section does not prohibit Deputies from removing abandoned vehicles which they observe on public highways/roadways, when the Deputy determines it creates a hazard or when the Deputy is involved in a specific community policing project.

#### **524.22 PUBLIC PROPERTY/NON HIGHWAY**

The County Planning and Resource Management Department (CPRMD) is responsible for removing abandoned vehicles from non highway/roadway public property. Recognizing CPRMD has a limited amount of time to spend on vehicle abatement, the Sheriff's Department and CPRMD have agreed on the following:

- (a) Sheriff's Department Responsibility: In situations where there are three vehicles or less and there is easy access to the vehicles.
- (b) CPRMD Responsibility: Where there are more than three vehicles to be towed or in areas where access to the vehicles is difficult and would result in the Deputy being committed to the removal for an extended period of time. The Sheriff's Department will complete the CHP 180 for CPRMD when the vehicles are towed.
- (c) Zone Deputies will respond to calls of this nature. If needed, the zone Deputy may contact the Community Oriented Policing Unit Deputy for assistance.

#### **524.23 PRIVATE PROPERTY**

The CPRMD is responsible for removal of abandoned vehicles from private property. Recognizing CPRMD has a limited amount of time to spend on vehicle abatement, the Sheriff's Department and CPRMD have agreed on the following:

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 524 - Abandoned Vehicle Abatement

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- (a) Sheriff's Department Responsibility: In situations where the property owner has given consent to enter the property, the owner is requesting the abandoned vehicle be removed and the number of vehicles does not require an extensive time commitment of the Deputy.
- (b) CPRMD Responsibility: Where no consent to enter the property has been given and an Inspection and/or Removal warrant is needed or the number of vehicles will result in the Deputy being committed to the removal for an extended period of time. The Sheriff's Department will complete the CHP 180 for CPRMD when the vehicles are towed.
- (c) Zone Deputies will respond to calls of this nature. If needed, the zone Deputy may contact the Community Oriented Policing Deputy for assistance.

### 524.4 MARKING/TAGGING VEHICLES

Proper "marking" of a suspected abandoned vehicle to be towed pursuant to 22669(a) VC on public or private property is required per section 22851.3 VC. Deputies shall be familiar with this section and follow the procedures.

#### **524.41 NOTIFICATION TO LEGAL/REGISTERED OWNERS**

The Central Information Bureau will mail the Notice of Stored Vehicle to the legal and registered owners pursuant to 22851.3 VC.

### 524.5 POST STORAGE HEARINGS

Post Storage Hearings are required on vehicles towed as abandoned under certain situations pursuant to 22851.3 VC. A Watch Commander or shift Sergeant shall act as the Hearing Officer.

### 524.6 AUTHORIZATION TO DISPOSE OF VEHICLE (JUNK SLIP/DMV 462)

This DMV form is required whenever a vehicle is towed pursuant to 22669 VC and has a value of \$300 or less. The requirements of section 22851.3 (proper marking, notification and waiting period) must be met prior to issuing the DMV 462, except in the following circumstances:

- (a) When a vehicle is valued at \$300 or less and if the names and addresses of the registered and legal owners of the vehicle are not available from the records of the DMV, either directly or by use of the CLETS system. The Deputy may issue an authorization for disposal at any time after the removal (section 22851.3 (k) & 22851.2 VC).
- (b) The Deputy who towed the vehicle is responsible for completing the DMV 462 form whenever a request from a tow company is received.

## 526 - Administrative Per Se Law (APS)

### 526.1 PURPOSE AND SCOPE

This policy provides for the immediate suspension of California Driver's Licenses in certain "Driving Under the Influence" (DUI) cases and in "Zero Tolerance" incidents. Vehicle Code §§13382 (a) and (b), and 13388 (b) require that Peace Officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code §§23152 and 23153. This policy also describes the policy dealing with "Zero Tolerance" laws.

### 526.2 SUSPENSION OF CALIFORNIA DRIVER'S LICENSES

The driver's license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:

- (a) The arrestee refuses to submit to a chemical test.
- (b) The arrestee fails to complete the selected test.
- (c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting deputy has reasonable cause to believe that the arrestee's Blood Alcohol Content (BAC) will exceed the .08% level.
- (d) The arrestee completes the breath tests which show a BAC of .08% or higher.

#### **526.21 ZERO TOLERANCE LAW**

Vehicle Code §§23136 & 23140 were enacted to reduce alcohol related incidents by persons under the age of 21. A person under 21 years of age may have his or her license suspended under the following circumstances:

- (a) When suspected of consuming alcohol and refusing a PAS test.
- (b) Who has a blood-alcohol level of .01 percent or greater.

Zero Tolerance requires PAS device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If the driver's PAS reading warrants arrest and further chemical testing, the DMV does not require completion of the "Chemical Test" section of the DS367m Form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

### 526.3 PEACE OFFICER'S RESPONSIBILITY

In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:

- (a) Confiscate any California Driver's License(s) in the possession of the driver. If the subject has an APS temporary license document, do not confiscate.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 526 - Administrative Per Se Law (APS)

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- (b) Complete and serve the "Administrative Per Se Order of Suspension" on the driver regardless of license status. (DMV Form DS367, DS367m or DS367s Officer's Statement and Order of Suspension).

The Deputy will inform the driver that the "Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s along with his or her violator's "Notice to Appear" (except "Zero Tolerance") or other release from custody document will serve as the driver's temporary license. If the driver's privilege to drive is suspended or revoked, the order will not be a valid temporary license. If the subject presents an APS suspension order/temporary license, do not confiscate the order and do issue another order pursuant to the current DUI arrest.

### 526.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION

The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

- (a) Officer's Statement Form DS367 or DS367m (Minor) or DS367s (Spanish).
- (b) "Order of Suspension" (Form DS367, DS367m or DS367s, pages 2 and 3).
- (c) Copy of the printout of the breath test (if taken).
- (d) Traffic collision report if applicable
- (e) The offender's driver's license.

### 526.5 PROCESSING OF FORMS

In order to ensure that the DMV and Department forms are routed properly, the following responsibilities are identified:

#### **526.51 CENTRAL INFORMATION BUREAU RESPONSIBILITY**

The Central Information Bureau (C.I.B.) is responsible for the following:

- (a) Copies of documents required by DMV are to be made for the Department Files and the originals are then to be forwarded to the Department of Motor Vehicles.
- (b) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367, which shall then be retained to the Central Information Bureau.
- (d) If the Department of Motor Vehicles should return Form DS367, DS367m or DS367s for corrections, the Central Information Bureau must notify the Deputy who made the arrest of the needed corrections. The Deputy shall make the corrections by lining out the incorrect information with a single line and initialing above the corrected area including the date the correction was made.

White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to the Central Information Bureau to be returned to the DMV.

#### **526.53 PROPERTY OFFICER RESPONSIBILITY**

It is the responsibility of the Property CSO to promptly deliver physiological specimens for "Blood Alcohol Analysis," as soon as possible after receipt to ensure that the above time requirements are met.

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 6 – General Operations**

## 602 - Sexual Assault Victims' DNA Rights

### 602.1 PURPOSE AND SCOPE

Consistent with the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case.

### 602.2 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this agency assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(i)(1)(A) and (B).
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned Deputy should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned Deputy shall notify the victim of such fact in writing within no less than sixty (60) days prior to the expiration of the two year period. (Penal Code § 680(d)).

### 602.3 VICTIM NOTIFICATION

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned Deputy may inform the victim of the status of the DNA testing of any evidence from the victim's case.
  - 1. Although such information may be communicated orally, the assigned Deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
  - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *602 - Sexual Assault Victims' DNA Rights*

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2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the DOJ Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned Deputy informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
1. Although such information may be communicated orally, the assigned Deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  2. No Deputy shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

### 602.4 DESTRUCTION OF DNA EVIDENCE

If, with the approval of a supervisor, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code § 803, the assigned Deputy shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.

## 605 - Adult Sexual Assault Investigations

### 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform procedure for the investigation and documentation of allegations of sexual assault involving adult victims. It shall be the policy of the Sonoma County Sheriff's Department to document all reported cases of sexual assault utilizing the Departmental crime/incident report form.

### 605.2 DEFINITIONS

**SEXUAL ASSAULT INVESTIGATION:** Refers to any criminal case involving a victim 18 years or older, which involves the following crime categories:

261 P.C. – Rape  
262 P.C. - Spousal Rape  
286 P.C. – Sodomy  
288a P.C. - Oral Copulation  
289 P.C. - Anal/Genital Penetration with Foreign Object  
220 P.C. - Assault with Intent to Commit any of the above

**SART Facility:** The designated countywide sexual assault response team facility.

### 605.3 INVESTIGATIVE RESPONSIBILITIES

- (a) Cases of sexual assault that are reported to the Sheriff's Department will normally be referred to the Patrol Division for the initial investigation and crime report.
- (b) The exceptions to the above procedure shall be in cases where the sexual assault report is made directly to the Domestic Violence/Sexual Assault Unit of the Investigations Division. In those situations, the Domestic Violence/Sexual Assault Unit supervisor shall have the option of assigning the case directly to a Detective or referring the case to the Patrol Division, if deemed appropriate.

### 605.4 PATROL DIVISION INVESTIGATIVE PROCEDURES

#### 605.41 ASSAULT OCCURRED WITHIN 72 HOURS

In cases where the sexual assault occurred within the past 72 hours, the following preliminary investigative steps shall be taken by the Patrol Deputy:

- (a) Obtain any necessary emergency medical care.
- (b) Locate and secure any existing crime scene or evidence.
- (c) Establish what crime has occurred.
- (d) Establish when the crime occurred.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *605 - Adult Sexual Assault Investigations*

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- (e) Establish the jurisdiction of the crime.
- (f) Provide the victim a Directory of Resource Information Pamphlet.
- (g) Offer the victim the services of a victim advocate/counselor. If the victim requests an advocate, contact Dispatch and request the victim advocate respond to the SART facility or victim location. The victim has the right to their choice of advocate, including family members, relatives or friends.
- (h) Attempt to obtain the identity of the suspect(s):
  - 1. Deputies shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview of the victim by the Domestic Violence/Sexual Assault Unit Detective.
- (i) Attempt to locate and interview any possible witnesses.
- (j) After documenting the above listed information, **do not interview the victim further.** Request through Dispatch that the on-call Domestic Violence/Sexual Assault Unit Detective respond to the SART facility or victim location.
- (k) Request a CSI Detective through Dispatch to respond to the crime scene for evidence collection.
- (l) If appropriate, arrange for transportation for the victim to the designated SART facility. Do not transport the victim in the back seat of patrol vehicles, unless authorized by Patrol supervisor.
- (m) All Deputies involved will provide a complete and accurate report by the end of shift. Exceptions must be approved by the shift supervisor and the Domestic Violence/Sexual Assault Unit Detective. When there is an exception, a Case Status Form shall be completed.

### **605.42 ASSAULT OCCURRED IN EXCESS OF 72 HOURS**

In cases where the sexual assault occurred and more than 72 hours have elapsed, the following preliminary investigative steps shall be taken by the Patrol Deputy:

- (a) Obtain any necessary emergency medical care.
- (b) Locate and secure any existing crime scene or evidence.
- (c) Establish what crime has occurred.
- (d) Establish when the crime occurred.
- (e) Establish the jurisdiction of the crime.
- (f) Provide the victim with the Directory of Resource Information Pamphlet.
- (g) Attempt to obtain the identity of the suspect(s).
  - 1. Deputies shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview of the victim by the Domestic Violence/Sexual Assault Unit Detective.
- (h) Attempt to locate and interview any possible witnesses.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *605 - Adult Sexual Assault Investigations*

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- (i) The Deputies shall offer the victim assistance in contacting a sexual assault advocate/counselor.
- (j) After documenting the above listed information, **do not interview the victim further.** Request through Dispatch, telephone contact with the on-call Domestic Violence Sexual Assault Unit Detective. Based on the circumstances, the Detective will either advise the Deputy to conduct the interview or arrange for the victim to be interviewed by the Detective at a later designated time. Even though the 72 hours has expired, the Domestic Violence/Sexual Assault Detective may activate the Section V (A) procedures.
- (k) Provide, if necessary, transportation for the victim to a safe location.

### **605.43 MANDATED ADVISEMENT**

- (a) The Deputy shall inform the victim that the victim's name will become a matter of public record unless the victim requests that it not become a matter of public record, pursuant to Section 6254 of the Government Code.
- (b) The Deputy shall document in the report that the victim was properly informed and document the response to the advisement on the Sheriff's Form SCSD-4.
- (c) If the Deputy taking the initial report is not able to make the advisement, that fact and the reason why the advisement was not made shall be documented in the report.

### **605.44 MEDICAL RECORDS RELEASE REQUIREMENT**

If appropriate, complete Medical/Records Release form (SCSD-4).

### **605.5 DOMESTIC VIOLENCE/SEXUAL ASSAULT UNIT PROCEDURES**

- (a) The Domestic Violence/Sexual Assault Unit Supervisor shall be responsible for reviewing, assigning or referring to another agency all reports of adult sexual assaults made to the Sonoma County Sheriff's Department.
- (b) The Domestic Violence/Sexual Assault Unit Detectives shall be responsible for completing the necessary investigative action on each sexual assault case assigned to them. Detectives shall ensure the following is accomplished.
  - 1. Domestic Violence/Sexual Assault Detective is responsible for requesting Sheriff's Dispatch to notify the local rape crisis center whenever a victim of Penal Code Sections 261, 261.5, 262, 286, 288a or 289 is transported to a hospital for any medical, evidentiary or physical examination.
  - 2. The Detective shall advise the victim that he/she has the right to have a sexual assault victim counselor, as defined in Section 1035.2 of the Evidence Code and at least one other support person of the victim's choosing present at any medical, evidentiary or physical examination. Additionally, the victim has the right to a victim advocate/counselor, as well as a support person of the victim's choosing prior to being interviewed or having District Attorney contact pertaining to any criminal action arising out of the sexual assault.
  - 3. Within the 72 hour period, interview the victim in the presence of the Sexual Assault Medical Examiner and victim advocate/counselor, if practical. The

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *605 - Adult Sexual Assault Investigations*

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objective is for the victim to experience only one interview. After the 72 hour period, interview the victim when appropriate.

4. Review the report and make follow-up contact with victims, witnesses and suspects as needed.
5. Complete the investigation in a timely manner and make an appropriate recommendation for disposition, based upon the investigative findings.

### 605.6 SEXUAL ASSAULT EXAMINATIONS

A sexual assault examination shall be performed only when authorized by a Detective from the Domestic Violence/Sexual Assault Unit.

- (a) All sexual assault examinations shall take place at the designated SART facility unless authorized by a patrol supervisor or domestic violence/sexual assault detective. The sexual assault examination shall be performed by a qualified sexual assault examiner.
- (b) No Deputy or Detective shall be present in the examination room during the sexual assault examination.
- (c) The Examiner will conduct the examination in accordance with the California Medical Protocol for Examination of Sexual Assault Victims. This means the examiner will conduct the evidence collection related to the physical examination of the victim's body. The evidence will then be turned over to the Detective (or his or her designee), waiting outside the examination room. The examiner will give the Detective (or his or her designee) a sealed evidence kit and a separately packaged vial of blood for typing purposes. It shall be the responsibility of the Detective (or his or her designee) to receive such evidence and ensure that it is properly marked and placed into evidence.
- (d) If the clothing being worn by the victim is the same as when the sexual assault occurred, it shall be the responsibility of the Detective (or his or her designee) to ensure the clothing is collected as evidence. Each article of clothing shall be placed in an individual paper bag. Clothing for the victim is available from the SART facility, if requested.
- (e) The Domestic Violence/Sexual Assault Unit Detective shall arrange for a CSI Detective to handle the evidence collection if a CSI Detective has initially responded. As soon as possible, the Domestic Violence/Sexual Assault Unit Detective shall relieve the Patrol Deputy to return to service.



## 606 - Asset Forfeiture Policy

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure & liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 606.2 ASSET SEIZURE AUTHORITY

California Health & Safety Code § 11470 provides for the forfeiture of any currency, real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the California Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain California Health & Safety Code violations.

California Health and Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to California Health and Safety Code of §11470 (e) or (f).

### **606.21 SPECIAL GUIDELINES APPLICABLE TO AUTOMOBILES**

Special guidelines apply regarding the minimum amounts of controlled substances contained in a vehicle in order for it to be seized as a conveyance used to facilitate narcotic activity. The minimum amounts of a controlled substance within a vehicle are as follows:

- 14.25 grams (1/2 oz) or more of rock cocaine or a substance containing heroin.
- 28.5 grams (1 oz) or more of cut cocaine or methamphetamine.
- 57.0 grams (2 oz) of a substance containing cocaine or methamphetamine.
- 10 pounds of marijuana, peyote or psilocybin.

### 606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to California Health & Safety Code § 11470, a patrol Deputy shall 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 that 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.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *606 - Asset Forfeiture Policy*

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- (b) When someone has made notification other than the Asset Forfeiture Investigator, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture Investigator in Narcotics, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. If a defendant has not given a Miranda waiver before an interview regarding assets, the Detective will conduct a further criminal interview as necessary.
- (d) Attempt to promptly determine all lienholders 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 Narcotics Enforcement Team.

### **606.31 SEIZED PROPERTY**

Property seized subject to forfeiture, will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form; no other evidence from the case should be booked on this form.

### **606.32 SEIZED CURRENCY**

Currency seized subject to forfeiture will be photographed at the scene and counted by the seizing Deputy and a supervisor. The currency will be placed in an envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the envelope. The Deputy counting, and supervisor verifying, will initial and sign the envelope when sealed. If the currency will not fit into a standard envelope, place the currency in a larger envelope or bag.

Currency seized will be given to and retained by the Narcotics Supervisor. Otherwise, book the currency into the Sonoma County Sheriff's Department Property Office, the currency will be booked on a single Property Form notating "subject to asset forfeiture" in the comments section of the Property Form.

### **606.33 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 Investigation Supervisor of the seizure of the vehicle and circumstances of the seizure, as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *606 - Asset Forfeiture Policy*

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### 606.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept in the Investigation Unit. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of Seizure (Federal or State)
- Status of the seizure

Information maintained in the computer will be provided to the Sheriff or authorized Staff, as requested.

### 606.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits. The seizing Deputy shall notify the Asset Forfeiture Investigator of the currency booked into Property and the circumstances of the seizure as soon as possible.

The seizing Deputy shall notify a Narcotic detective K9 handler of the currency for a K9 inspection. In the event of the unavailability of a K9, the Deputy shall take the necessary precautions to eliminate the possibility of odor contamination in the evidence bureau by keeping the currency separate from narcotic odors.

## 608 - 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 Sonoma County Sheriff's Department and the Deputies using informants, it shall be the policy of the Sonoma County Sheriff's Department to take appropriate precautions by developing sound informant policies.

### 608.2 INFORMANT FILE SYSTEM

The Narcotics Unit Supervisor or his or her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

#### **608.21 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, registration information, and driving status.
- (g) Informant's motivational factor.
- (h) Informant's photograph.
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
- (j) Name of Deputy initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Narcotics Unit. These files shall be used in order 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.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *608 - Confidential Informants*

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Access to the informant files shall be restricted to the Sheriff, a Division Commander, the Narcotics Unit Supervisor, or their designees.

### 608.3 PATROL USE OF INFORMANTS

Before using an individual as a confidential informant on a repetitive basis, a patrol Deputy must receive approval from the Narcotics Unit Supervisor. The Deputy shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

### 608.31 JUVENILE INFORMANTS

The use of minor 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 minor informant between the ages of 13 and 18 years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "minor informant" means any minor who participates, on behalf of this agency, in a prearranged transaction or series of prearranged transactions with direct face to face contact with any party, when the minor's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the minor is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the minor.

### 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 and require the informant's signature on each provision.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

### 608.41 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Sonoma County Sheriff's Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Sonoma County Sheriff's Department shall not solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain Deputy/Informant integrity, the following must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Informants will be cleared through Western States Information Network (WSIN) prior to working, except as described in §608.3.
- (d) The relationship between Deputies and informants shall always be ethical and professional.
- (e) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit Supervisor.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *608 - Confidential Informants*

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- (f) Deputies shall not meet with informants unless accompanied by at least one additional Deputy or with prior approval of the Narcotics Unit Supervisor. Deputies may meet informants 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.
- (g) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses, signed by the informant, and contain the case number.

### 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.

#### **608.51 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- (a) The extent of the informant's personal involvement in the case.
- (b) The quality of the violator arrested.
- (c) The amount of assets seized.
- (d) The quantity of the drugs seized.
- (e) The level of risk taken by the informant.

#### **608.52 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 out of the Narcotics Unit Buy/Expense Fund. The Narcotics Unit Supervisor will be required to sign the voucher.

To complete the transaction with the confidential informant the case agent shall have the confidential informant sign the form indicating the amount received, the date, and that the C/I is receiving funds in payment for information voluntarily rendered in the case. The Sonoma County Sheriff's Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service as income.

## 609 - Environmental Crimes Investigations

### 609.1 PURPOSE AND SCOPE

The purpose of this General Order is to establish a procedure for the investigation of environmental crimes and the operation of the Environmental Crimes Unit. Deputies and Investigative Personnel are expected to respond to and conduct Environmental Crime Investigations in a manner consistent with this General Order.

### 609.2 GENERAL INFORMATION

- (a) Because of the multitude of public agencies involved in the enforcement of environmental laws, the Sheriff's Department shall focus its investigative resources on those incidents where a clear violation of criminal law is believed to exist and where no other criminal investigation agency is charged with conducting the investigation.
- (b) It shall be the practice of the Sheriff's Department to recover from the person, business or entity responsible for the environmental crime incident all lawfully permissible personnel and resource cost.

### 609.3 DEFINITIONS

- (a) An environmental crime is an act or omission committed by a person, business or entity which violates that body of law designed to protect the health and safety of people, property or natural resources from the effects of toxic contamination or environmental degradation in the public realm.
  - 1. Specific environmental crimes are codified in a variety of statutes and codes including the Penal Code, Health and Safety Code, Fish and Game Code and Vehicle Code.
  - 2. Hazardous materials incidents which are the result of criminal law violations shall be classified and investigated as environmental crimes.

### 609.4 PROCEDURE

#### **609.41 PATROL BUREAU RESPONSIBILITIES**

- (a) Initial responsibility for the investigation of environmental crimes occurring within the unincorporated areas of Sonoma County rests with the Patrol Bureau of the Sheriff's Department.
  - 1. The investigation of environmental law violations for the purpose of regulatory, administrative and/or civil sanctions may occur as part of the

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 609 - Environmental Crimes Investigations

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environmental investigation process, but shall be secondary to criminal enforcement efforts.

- (b) Environmental crime investigations will be undertaken by any Deputy and in such manner as is consistent with the practices used in any other criminal investigation. Deputies conducting environmental crimes investigations, however, shall be cognizant of potential toxic hazards and not engage in investigative activities without following appropriate safety precautions.
  - 1. In most circumstances, a patrol deputy shall conduct and document the basic crime investigation. Should additional follow-up be required, or if the incident is of such scope or complexity that specific technical expertise is needed, the investigation shall be referred to the Environmental Crimes Unit.
  - 2. Environmental crimes shall be formally documented by a written report and in such a manner as is consistent with the Department's Report Writing Manual.
  - 3. The Deputy taking the original incident report shall document in his or her report, the number of work hours spent conducting their portion of the investigation.
- (c) As with other investigations, Patrol Bureau personnel may be the first to respond to environmental crime investigations.

### 609.5 ENVIRONMENTAL CRIMES UNIT RESPONSIBILITIES

- (a) The Environmental Crimes Unit is a unit of the Detective Bureau augmented by Deputies from patrol. The Detectives charged with investigating such crimes shall receive specialized training in accordance with Sect. 29 CFR 1910.120.
- (b) Environmental Crimes Investigators shall:
  - 1. Conduct follow-up investigations that involve significant hazardous materials incidents.
  - 2. Conduct environmental crimes investigations that:
    - (a) They uncover, or
    - (b) Are beyond the scope of Patrol Bureau personnel, or
    - (c) Are referred by other County agencies or investigative/regulatory agencies.
  - 3. Attend meetings with other criminal and regulatory investigators in order to exchange pertinent information and gain task-specific knowledge.
  - 4. Maintain liaison with other County and allied environmental enforcement and regulatory investigator personnel.
  - 5. Provide training to other enforcement personnel.
- (c) Environmental Crimes Investigators work under the immediate direction of the Crime Scene Investigations Unit Sergeant.
- (d) Environmental Crimes Investigators shall be called to duty whenever the on-duty Watch Commander deems it appropriate as part of a significant environmental crimes or hazardous materials incident.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *609 - Environmental Crimes Investigations*

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1. When an Environmental Crimes Investigator is called to duty by the on-duty Watch Commander, he/she will immediately thereafter notify the Crime Scene Investigation Unit Sergeant.

### 609.6 CENTRAL INFORMATION BUREAU RESPONSIBILITIES

Central Information Bureau Personnel shall route copies of all environmental crimes and hazardous materials incident reports to the Crime Scene Investigations Unit Sergeant.

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 7 – Equipment**

## 705 - Mobile Command Center (MCC)

### 705.1 PURPOSE AND SCOPE

To set forth control, use, deployment and operational considerations for the Sonoma County Operational Area Command Center vehicle.

The Sonoma County Operational Area Mobile Command Center (MCC) was purchased in 2003 through funding provided by the Office of Homeland Security Weapons of Mass Destruction Grant Process. The Law Enforcement subcommittee of the operational area made the original request for purchase. The Sonoma County Operational Area Committee approved this request. The request was then sent to a panel of five persons, consisting of the Sheriff and representatives from County Fire, County Health, Emergency Medical Services, and the Sonoma County Law Enforcement Chiefs' Association. This panel gave final authorization for the purchase.

The MCC is owned by the Sonoma County Operational Area member agencies and is operated/maintained by the Sonoma County Sheriff's Department.

### 705.2 AUTHORIZATION OF MCC EMERGENCY USE

A Sonoma County Sheriff's Department Lieutenant, or a higher-ranking deputy, may authorize use of the MCC.

### 705.3 AUTHORIZATION OF MCC FOR PLANNED EVENTS

Planned events shall be coordinated through the Lieutenant who is assigned the MCC as his collateral assignment.

### 705.4 PRIORITIZED CATEGORIES OF USE

Different situations will dictate the category of response/use of the MCC. There are three categories of response/use the Sonoma County Sheriff's Department will recognize for use of the MCC. A Category 1 response/use has priority over a Category 2 or 3 response/ use.

- (a) Category 1: Any emergency or disaster, at either the local or regional level, that requires the activation of the jurisdiction's EOC and where the jurisdiction's EOC is not functional, or where multiple EOCs or a field EOC are needed to coordinate the response of emergency personnel, such as:
1. Special Operations Unit Callout
  2. Hazardous Materials Spill
  3. Plane Crash
  4. Major Crime Scene Investigation
  5. Traffic Collision requiring extensive investigation
  6. Missing person search

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *705 - Mobile Command Center (MCC)*

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7. Other events as authorized by Command Staff
- (b) Category 2: Planned special events where requesting agencies would use the MCC as an Operational Command Center to coordinate the mission during the event, such as:
1. Parades
  2. Infineon Raceway events
  3. Cinco de Mayo Festivities
  4. Fairs/Carnivals
  5. Other events as permitted by Command Staff
- (c) Category 3: Public relations exhibitions for display of the MCC as one of the assets of the Sonoma County Operational Area, such as:
1. Recruitment fairs
  2. Sober graduation
  3. COPS West
  4. California State Sheriff's Association Conference
  5. Crime prevention fair

### 705.5 DEPLOYMENT

The MCC will be made available to Sonoma County Operational Area allied agencies, or through mutual aid out-of-County with authorization from the Sheriff or his designee. The criteria established above will be used as guidelines to authorize or deny a request.

Upon an allied agency request and upon request approval, the Sonoma County Sheriff's Department personnel shall deploy and set up the MCC. If necessary, Sheriff's personnel will stay with the MCC to assist in its proper operation.

Sonoma County Sheriff's Department deployments shall have priority over all allied agency requests. If the MCC is deployed by the Sheriff's Department to a category 2 or category 3 event, the on duty Watch Commander can authorize the MCC response to a category 1 incident, no matter the jurisdiction.

The MCC vehicle shall be stored and ready for deployment at a moment's notice. The MCC shall be deployed with a minimum of a two-person crew.

### **705.51 DEPLOYMENT CHECKLIST**

The following guidelines shall be used as a checklist at the time of deployment and upon the return of the MCC.

- (a) MCC full of fuel
- (b) Exterior inspection of the MCC for damage
- (c) Leveling system operational

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *705 - Mobile Command Center (MCC)*

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- (d) Interior inventory check of supplies to determine readiness
- (e) Interior items secured
- (f) MCC clean up
- (g) Refrigerator clean and functional
- (h) Land power charging system plugged in
- (i) Battery system charged/charging and operational

### **705.52 REIMBURSEMENT FROM ALLIED AGENCIES**

Requesting allied agencies shall be required to reimburse the Sonoma County Sheriff's Department for all consumed fuel and perishable supplies used during their requested deployment.

Requesting allied agencies shall be held responsible for any damages incurred to the MCC during deployment.

The Sonoma County Sheriff's Department shall be responsible to ensure the damage has been repaired to the manufacturer's specifications. Upon completion of all repairs, the Sonoma County Sheriff's Department shall deliver a bill to the responsible allied agency.

In the event of a contested claim of damage to the MCC, an oversight committee consisting of the Sheriff and two members appointed by SCLECA shall review all available information and render a decision on who should be financially responsible for said damage.

### **705.6 LEVELS OF TRAINING**

Members authorized to deploy the MCC shall meet one of the two required levels of training, driver or operator. Members authorized to deploy the MCC shall have completed all Department approved training. Drivers shall possess a Class B driver's license.

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 8 – Support Services**

## 804 - Property Procedures

### 804.1 PURPOSE AND SCOPE

Security and operating procedures shall be established for access to property storage areas and handling of evidence. All property/evidence shall be collected, packaged, and retained in accordance to procedures established in the Sonoma County Sheriff's Department "Evidence/Property Manual." These practices are based on recommendations and requirements established by Federal, State, and local laws and standards.

### 804.2 DEFINITIONS

**CSO:** Community Services Officer.

**DOJ:** Department of Justice.

**Evidence:** Property that may be related to a crime which may implicate or clear a person of a crime.

**Evidence/Property Manual:** Department Guidelines to ensure all items are properly collected, packaged and submitted.

**Found Property:** Non-evidentiary property coming into the custody of a law enforcement agency that has been determined to be lost or abandoned, and is not known or suspected to be connected with any criminal offense. Found property does not include intentionally abandoned property which will not be stored.

**Inventory:** A complete formal listing of all items held in the Property/Evidence Room.

**Property Held for Safekeeping:** Non-evidentiary property placed into temporary custody. This property is held for thirty to ninety days to provide an opportunity to determine the legal owner.

### 804.3 MANDATES

Penal Code Section 1407: When property. . . , comes into the custody of a peace officer, he shall hold it subject to the provisions of this chapter. . .

Penal Code Section 1408: Court ordered release of property.

Penal Code Section 1411: Notification of owner of property, disposal.

Penal Code Section 1412: When money or other property is taken. . . , the deputy taking it must at the time give duplicate receipts thereof.

Penal Code Section 1413(a): Release of Property requirements.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 804 - Property Procedures

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Penal Code Section 12028.5: Seizure of weapons at Domestic Violence scene.

Penal Code Section 12020: Illegal weapons and exceptions.

Penal Code Section 12021: Prohibitions from owning weapons.

Penal Code Section 6380(a): Agencies allowed to charge fees for storage.

Welfare and Institutions Code Section 8102: Dispositions for weapons seized pursuant to Section 5150 of the Welfare and Institutions Code.

### 804.4 GENERAL INFORMATION

- (a) Security: Only authorized staff is permitted in the property/evidence areas.
  - 1. Personnel shall not enter the property storage areas unless one of the following personnel are present:
    - (a) CSO assigned to the Property/Evidence Room.
    - (b) Property/Evidence Room CSO Supervisor.
    - (c) Records Supervisor.
    - (d) Central Information Bureau Manager.
- (b) Property or evidence shall be removed from its storage location by one of the following:
  - 1. Assigned CSO
  - 2. CSO Records Supervisor
  - 3. Central Information Bureau Manager
- (c) Key/Card/Combination Lock: Key cards and combination numbers are assigned to the property storage areas.
  - 1. A key card and a combination number will be issued to each CSO assigned to the Property/Evidence Unit, the CSO/Records Supervisor and Central Information Bureau Manager.
  - 2. Emergency Key Card/Combination: An emergency key, emergency key card, and combination will be kept in a secure "break glass" type lockbox in the Central Information Bureau. Any time the glass is broken and keys removed, it must be reported according to the procedures outlined in the Key Policy. The Central Information Bureau Manager is responsible for the key to the lockbox and for having the broken glass replaced.
- (d) Property/Evidence Unit Transactions: The Property/Evidence Unit business hours shall normally be 8:00 A.M. to 4:30 P.M., Sunday through Saturday, excluding County holidays.
- (e) During business hours, and in the absence of the Property CSO, the CSO/Records Supervisor will be responsible for urgent property transactions. Normal business



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *804 - Property Procedures*

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transactions will NOT be conducted in the absence of the Property/Evidence Room CSO.

- (f) The Evidence/Property Manual will be updated as required or as needed by the Evidence/Property Room and Crime Scene Investigations Staff.

### 804.5 PROCEDURES

#### **804.51 PROPERTY/EVIDENCE COLLECTING, PACKAGING, SUBMITTAL AND RELEASING**

Withdrawal and return of evidence from the Property/Evidence Unit shall be conducted as required to meet legal mandates and to control access.

#### **804.52 WITHDRAWING EVIDENCE**

A Deputy Sheriff, Deputy District Attorney, or District Attorney Investigator may withdraw evidence from the Property/Evidence Unit when evidence is needed for court. The following procedures shall be followed:

- (a) Withdrawing Property for Court:
1. The requestor will complete an Evidence Request Form and forward it to the Property/Evidence Unit CSO a minimum of one workday prior to the court date.
  2. After the Form is submitted the Property/Evidence Unit CSO shall release the requested evidence upon presentation of proper identification.
  3. The Property/Evidence Unit CSO shall make certain that the chain of custody record is properly completed.
  4. Custody and control of the evidence becomes the responsibility of the receiving party.
  5. Deputy Sheriffs/Deputy District Attorneys shall notify the Property/Evidence Unit when the court retains evidence.
  6. The Property/Evidence Unit CSO shall note on the chain of custody of the Evidence/Property Record that the court has retained the evidence.
- (b) Evidence withdrawn by non-Deputy Sheriffs/Deputy District Attorneys for purposes other than court shall be accomplished in the following manner:
1. The Evidence Request Form shall be completed and submitted to the Property/Evidence Unit a minimum of one workday prior to the date actually needed.
  2. The Property/Evidence Unit CSO shall release the requested evidence upon presentation of proper identification.
  3. The Property/Evidence Unit CSO shall make certain the chain of custody record is properly completed in the appropriate columns.
  4. Custody and control of the evidence becomes the responsibility of the party until it is returned to the Property/Evidence Unit.
  5. The Property/Evidence Unit CSO shall make certain the chain of custody record is properly completed in the appropriate columns.

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6. When the Property/Evidence Unit CSO checks in the evidence, custody is transferred from the person who checked it out.
7. The person that originally checked out evidence does not have to be the person that returns it. However, the chain of custody must have been maintained while the evidence was in his/her possession. The returning person shall complete the chain of custody information.
8. If the Property/Evidence CSO is absent, the evidence shall be placed in a temporary evidence storage locker.
9. The Property/Evidence CSO will complete the chain of custody.

### **804.53 SEIZURE OF DEADLY WEAPONS**

The following procedures shall apply to ensure a uniform procedure for the seizure and return of firearms and other deadly weapons, taken in all circumstances:

- (a) Domestic Violence Deadly Weapons Seizures: If a deadly weapon is removed from the scene for safekeeping per 12028.5 P.C., a receipt (pink copy of evidence/property record) will be given to the subject from whom the weapon was taken. The receipt shall include the following:
  1. A description of the weapon, any serial number or other identifier, location, and the date when the weapon may be retrieved.
  2. The Deputy will advise the subject that the deadly weapon must be held at least 48 hours and be available for release no longer than 72 hours (not including holidays) from the time of seizure unless one or more of the following apply:
    - (a) The weapon is being held as evidence.
    - (b) The weapon was illegally possessed.
    - (c) The Deputy has reasonable cause to believe that return of a deadly weapon would be likely to result in endangering the victim or any other party involved in the incident.
    - (d) The Deputy will check the Department of Justice Automated Firearms System (AFS) for wants on any firearm seized and to establish ownership of the weapon. The printed response from this inquiry will be attached to the crime report.
    - (e) The Deputy will check the subject's Department of Justice Criminal History Record (CII) to determine if the subject is prohibited from firearm ownership or possession. The printed response from this inquiry will be attached to the crime report.
    - (f) If the criminal history (CII) shows a prior conviction for any of the offenses listed in 12021 PC, add the additional charge and change the weapon status from safekeeping to evidence.
    - (g) If the weapon is seized for safekeeping and the Deputy has reasonable cause to believe that return of the firearm or other deadly weapon would endanger the victim or the person reporting the assault

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## 804 - Property Procedures

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- or threat, the Deputy will check the 12028.5 petition box on the Evidence/Property Record.
- (h) The Deputy must document in the crime report any information to support a belief that return of the weapon would endanger the victim or the person reporting the assault or threat. This documentation could include any threats made by the suspect, fears expressed by the victim, reporting party or witnesses, history of violence, or use of the weapon in a prior incident.
  - (i) The report will be reviewed by the DVSA Detective who will determine if a petition will be filed.
  - (j) If a deadly weapon is used, or there was a threat of use, in a domestic violence incident, do not seize pursuant to 12028.5, seize the deadly weapon as evidence.
  - (k) The court may order a restrained person of a protective order to surrender his/her firearms to law enforcement for the period of the restraining order per 6380(a) Family Code. The restrained person is advised by the court to call the law enforcement agency prior to surrendering the weapon. If a Deputy is dispatched to recover a firearm, then the above sections shall apply. The Deputy will document the recovery of the weapon in an incident report titled, "Safekeeping of Court Ordered firearms." If additional charges are warranted an appropriate crime report shall be written.
  - (l) Dispatch will make appointments at Main Office for restrained individuals to surrender their weapons.
  - (m) Dispatch will request from restrained individual a full description of the vehicle, including license plate; a description of the restrained individual, including name, DOB, height, weight and clothing description. Dispatch will check the vehicle and individual for any outstanding warrants and criminal history (any violent or firearm related charges). This information will be supplied to the Deputy prior to the Deputy's contact with the restrained individual.
  - (n) If the restrained individual fails to respond and re-contacts dispatch, dispatch will advise the Patrol Sergeant of the failure to meet the required appointment and it will be the Sergeant's discretion to make another appointment or advise the individual to use the other two options available through the court.
  - (o) The Property Clerk will receive the weapon from the Deputy, process and store it until further action is taken.
  - (p) If the firearm is to be returned, the Property Clerk will ask for proof of ownership and will verify that the owner has no weapons prohibitions.
  - (q) If the court orders the department to hold the deadly weapon for a specified period of time or if the legal owner requests that the department hold it, a storage fee will be charged, according to Family Code Section 6389(e) in the amount dictated by the County's fee ordinance.

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- (b) Non-Domestic Violence Seizure of Deadly Weapons - When a Deputy seizes a weapon from a crime scene and determines it to be evidence, the Deputy shall complete an Evidence Property Record and deliver it to the Evidence Room as soon as possible.
1. When a deadly weapon is taken as evidence a receipt (pink copy of Evidence/Property Record or if related to search warrant, a search warrant inventory sheet) will be given to the owner of the property. The receipt will include the following:
    - (a) A description of the weapon, any serial number or other identifier, location where, and the date when the weapon may be retrieved.
  2. The Deputy will check the Department of Justice Automated Firearms System (AFS) for wants and to establish ownership of the weapon. The printed response from this inquiry will be attached to the crime report.
  3. The Deputy will check the suspect's Department of Justice Criminal History Record (CII) to determine if he/she is prohibited from firearm ownership. The printed response from this inquiry will be attached to the crime report. If the criminal history shows a prior conviction for the offenses listed in 12021 P.C., the additional charge will be added to the crime report.
  4. The Deputy must document in the crime report the additional charge and the justification for it.
  5. The CSO will receive the weapon from the Deputy and store it until further action is taken.
  6. If the deadly weapon is to be returned, the CSO will require proof of ownership and will verify that the owner has no weapon prohibitions.
  7. If the legal owner is prohibited from possessing deadly weapons and wishes to have another party assume ownership, the legal owner must seek a legal order of transfer of ownership.
  8. In instances where the prohibited person is restricted from firearm possession because of a ten year prohibition due to a misdemeanor conviction under 12021(c) P.C., unless ordered by the court to hold the deadly weapon for ten years; the suspect will be given three years from the date of seizure to make other arrangements for firearm storage (seek a legal order of transfer of ownership). If this is not done, the firearm will be destroyed. The CSO will notify the suspect by registered mail at his last known address of these provisions.
  9. If it is determined that the legal owner of the firearm has been convicted of a felony, no other attempts at contact will be made and the CSO will seek an order for destruction.
- (c) Non-Domestic Violence Deadly Weapon Safekeeping - If a deadly weapon is turned over to a Deputy for safekeeping other than in a domestic violence situation, a receipt (pink copy of Property/Evidence Record) will be given to the citizen from whom the weapon was taken. The receipt will include the following:
1. A description of the weapon, any serial number or other identifier, location where, and the date when the weapon(s) may be retrieved.

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2. The Deputy will check the DOJ automated Firearms System (AFS) for wants on any firearm seized and to establish ownership of the weapon. The printed response from this inquiry will be attached to the crime report.
  3. The Deputy will check the subject's DOJ Criminal History Record (CII) to determine if the subject is prohibited from firearm ownership. The printed response from this inquiry will be attached to the crime report.
  4. The Deputy will complete an Evidence/Property Record and deliver it to the Evidence Room.
  5. The Deputy will document the incident in a crime/incident report and indicate to whom the weapon should be released.
  6. The CSO will receive the weapon from the Deputy, process the weapon, and store it until further action is taken.
  7. When a request is made for return of deadly weapon(s), the CSO will require proof of ownership, and will verify that the owner has no weapon prohibitions.
  8. If no request for return is made, the deadly weapon must be held a minimum of 12 months from the date of seizure (Penal Code Section 12028.5 (e)), after which it can be considered abandoned and subject to destruction.
- (d) Found Deadly Weapons - The Deputy will run the firearm in (AFS) for wants and to determine if an owner can be located. If the weapon is registered, the Deputy will attempt to contact that person to determine ownership.
1. The Deputy will complete an Evidence/Property Record and deliver it to the Evidence Room. Additionally, the Deputy will document the circumstances regarding the recovery of found property in a CR/Incident Report.
  2. The CSO will receive the weapon from the Deputy, process and store it for 90 days. If no legal owner has been located within ninety (90) days. The CSO will seek a court order for destruction of the deadly weapon.
  3. If the reporting party requests return of the firearm, the CSO will verify there are no weapons prohibitions.
- (e) 5150 W&I Weapon Seizure
1. If a deadly weapon is removed from a person taken into custody pursuant to 5150 for safekeeping per 8102 W & I, a receipt (pink copy of evidence/property record) will be given to the subject from whom the weapon was taken. The receipt will include the following:
    - (a) A description of the weapon and serial number or other identifier, location where, and the date when the weapon may be retrieved.
  2. The Deputy will check the Department of Justice Automated Firearms System (AFS) for wants and to establish ownership of the firearm. The printed response from this inquiry will be attached to the crime report.
  3. The Deputy will check the suspect's Department of Justice Criminal History Record (CII) to determine if the subject is prohibited from firearm ownership.

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The printed response from this inquiry will be attached to the crime report. If the criminal history shows a prior conviction for the offenses listed under 12021 P.C., an additional charge will be added to the crime report.

4. The CSO will receive the weapon from the Deputy, process and store it until further action is taken.
5. Upon request, the CSO will initiate a petition for a hearing on return of the weapon per 8102 W & I and will deliver the petition to the District Attorney's Office for filing with Superior Court.
6. If the firearm is to be returned, the CSO will ask for proof of ownership and will verify that the owner has no weapons prohibitions.
7. If the Department fails to initiate, or if the District Attorney fails to file a petition, the CSO will release the weapon to the legal owner upon proper demand and identification.
8. It is the Deputy's responsibility to render all deadly weapons safe after seizure.

### 804.6 RELEASING PROPERTY/EVIDENCE

The Department will facilitate the return of property with evidentiary value to the rightful owner in an expedient manner. This policy will apply only to property being held in Department cases, which can be released without jeopardizing criminal prosecution. Instruments of the crime (i.e., items used in the commission of the crime) shall not be released without authorization from the District Attorney or court. The Property CSO, following set procedures, will release property that is not of evidentiary value.

- (a) The Deputy will review property to determine if item(s) have evidentiary value for prosecution purposes. The Deputy will complete the Evidence/Property Record listing all items.
- (b) The Deputy will release to the owner only those items of property, which have serial numbers/identifying marks, are one of a kind item, or are readily identifiable. Large items too bulky to store or items which could cause the Department to incur an unnecessary expense should be released to the rightful owner if not needed for prosecution of the criminal case. The Deputy shall confer with supervisor, and should err on the side of collecting the evidence if there is a doubt about releasing it.
- (c) Property that can be released on scene shall be photographed prior to release. The procedure is:
  1. Take a general photograph of all items being released.
  2. Take individual photographs of each item in sufficient detail to permit identification at a later date in court, including serial numbers and/or unique marks.
  3. A photograph of the owner and property should be taken if, in the Deputy's opinion, it would ensure better court identification at a later date.
  4. Each photograph of released items shall have the crime report number and item number listed on it.

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5. Have the owner sign the chain of custody section of the original Evidence/Property Record for the appropriate items and note proper identification obtained. Include in the crime report narrative what items were released.
  6. Release custody of property to the owner.
  7. Book remaining property and Evidence/Property Record into evidence.
  8. Photographs of property released pursuant to this order shall be booked into evidence.
  9. Upon determination that property in a case can be released, the CSO shall complete a Property Disposition Authorization directed to the Deputy or individual (i.e., Deputy District Attorney) in charge of the investigation.
- (d) Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor, detective or District Attorney and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.
- (e) The CSO shall notify the owner by telephone or mail to schedule an appointment for return.
- (f) The CSO shall deliver the prescribed property to the citizen presenting proper identification. The CSO shall have the citizen sign for the property in the appropriate column on the Property Release Form or on the Evidence/ Property Record.
- (g) The CSO shall attach the Property Release form to the Evidence/Property Record.
- (h) With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of ninety (90) days, and property held for safekeeping shall be held for a minimum of sixty (60) days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within ninety (90) days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. (Civil Code 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. Upon release, the proper entry shall be documented on the original property form. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property form, the form shall be forwarded to Records for filing with the case. If some items of property have not been released, the property form will remain with the property unit.

### 804.7 DESTRUCTION OF PROPERTY

The Evidence/Property Staff shall develop internal procedures to work with other work units within the Department to dispose of property and evidence in a timely manner

## 808 - Restoration of Firearm Serial Numbers

### 808.1 PURPOSE AND SCOPE

The primary purpose for recovering serial numbers is to determine the prior owners of 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.

### 808.2 PROCEDURE

All recovered firearms that have had serial numbers removed/obliterated will be processed in the following manner.

#### **808.21 CASEWORK NOTES AND DOCUMENTATION**

Case notes 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 from the law enforcement agency.

- (a) These notes must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form, the work sheet, or elsewhere in the note package depending on the type of evidence.
- (b) Relevant information regarding item and packaging descriptions, which do not appear in the case report, must be reported in the case notes (e.g.,...the package appears to have been opened and resealed). Alterations made by agency staff to an item or its packaging must also appear in the case notes.
- (c) Notes are to be prepared at or near the time of the event or observation being recorded.

#### **808.22 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 (i.e., the detachable magazine, contents of the tabular magazine, etc.) 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,



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## *808 - Restoration of Firearm Serial Numbers*

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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. Record and document with photographs (or digital images) and notes the presence and positions of any relevant trace evidence. This can include hairs, fibers, bloodstains, etc. Any collected trace evidence of a non-biological nature (i.e., paint chips, glass fragments, fabric fibers, etc.) should be placed into a paper bindle or other suitable packaging. Biological evidence such as blood, tissue, or hairs, should be placed into a paper bindle and stored frozen. Also, consider trace evidence inside the bore. If the trace evidence, such as gunshot residue or biological material, is intact and not likely to be lost, preserve it for the criminalist to remove.
- (e) If the firearm is to be processed for fingerprints, process before the serial number restoration is attempted. First record/document/photograph important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### **808.23 LABORATORY/C.S.I. UNIT RESTORATION PROTOCOLS**

- (a) To restore obliterated firearm serial numbers in a safe manner using procedures that are accepted within the forensic science community as being reliable.
- (b) All personnel performing serial number restorations on firearms will have completed training in serial number restoration safety issues as well as training from one of the following
  1. CCI Serial Number Restoration Course (E111)
  2. BATF Serial Number Restoration Course
  3. Approved on-the-job training, which follows procedures from the above courses.
- (c) C.S.I. personnel shall follow established laboratory procedures as outlined in the C.S.I. protocols.

### **808.24 EVIDENCE DISPOSITION**

All firearms evidence submitted for examination will be returned upon completion to the Property Room.

### **808.25 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, and Firearms "NTC Obliterated Serial Number Trace Request Form" (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

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## *808 - Restoration of Firearm Serial Numbers*

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### 808.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted either to the DRUGFIRE or IBIS National Integrated Ballistic Information Network (NIBIN) Program for search against evidence from previous crimes.

## 812 - Criminal Offender Record Information (CORI)

### 812.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

### 812.2 AUTHORITY

This policy is established pursuant to the mandate of the "Regulations Regarding Security of Criminal Offender Record Information in California," Title 11, Chapter 1, California Administrative Code. Other authority includes Penal Code § 11105, which delineates who has access to CORI, and Penal Code §§ 11140-11144, which establishes penalties for the improper use of rap sheets.

### 812.3 DEFINITIONS

**CRIMINAL OFFENDER RECORD INFORMATION (CORI)** shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any SCSD documents containing a list of prior arrests.

**CRIMINAL JUSTICE AGENCY** means a public agency or component thereof which performs a criminal justice activity as its principal function.

**AUTHORIZED RECIPIENT** means any person or agency authorized by court order, statute or case law to receive CORI.

**RIGHT TO KNOW** means persons or agencies authorized by court order, statute or decisional case law to receive the information.

**NEED TO KNOW** means a necessity exists to obtain CORI in order to execute official responsibilities.

### 812.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the DOJ list are not authorized recipients and shall not receive CORI.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *812 - Criminal Offender Record Information (CORI)*

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### **812.41 CRIMINAL RECORD SECURITY OFFICER**

The Central Information Bureau Manager is the designated Criminal Record Security Officer for the Sonoma County Sheriff's Department. This manager is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

### **812.42 RELEASE OF CORI**

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer.
- (b) Central Information Bureau Supervisor.
- (c) Full-time members of the Central Information Bureau Bureau.
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer.

### **812.43 RELEASE OF CORI TO FIELD PERSONNEL**

Sonoma County Sheriff's Department personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

### **812.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to this Law Enforcement Manual §324 for more specific information regarding cases involving juveniles.

### **812.6 REVIEW OF CRIMINAL OFFENDER RECORD**

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Sonoma County Sheriff's Department after complying with all legal requirements.

### **812.7 PROTECTION OF CORI**

CORI shall be stored in the Central Information Bureau where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Central Information Bureau shall be restricted to the Central Information Bureau personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Central Information Bureau shall be restricted to those persons who possess both the right to know and the need to know the information.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *812 - Criminal Offender Record Information (CORI)*

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### **812.71 COMPUTER TERMINAL SECURITY**

Computer terminal equipment capable of providing access to automated criminal offender record information shall preclude access by unauthorized persons.

No member shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

### **812.72 DESTRUCTION OF CORI**

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each member shall be responsible for destroying the CORI documents they receive.

### **812.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Agency Terminal Coordinator. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

### **812.9 PENALTIES FOR MISUSE OF RECORDS**

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

California Administrative Code § 702, Chapter 1, Title 11 provides that authorized persons or agencies violating the "Regulations Regarding the Security of Criminal Offender Record Information in California" may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Department Policy.

Members of the Sonoma County Sheriff's Department who obtain, or attempt to obtain, information from the Sheriff's Department files other than that to which they are entitled in accordance with their official duties is a violation of the Sonoma County Sheriff's Department Policy.

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 9 – Custody**

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## 902 - Custody Searches

### 902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures, which conform to Penal Code § 4030 and Fuller v. M.G. Jewelry, 950 F.2nd 1437 regarding pat-down, booking and strip searches of pre-arraignment detainees.

### 902.2 DEFINITIONS OF SEARCHES

**Pat-Down Search** - This search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the prisoner, or other prisoners.

**Booking Search** - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

**Strip Search or Visual Body Cavity Search** - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)).

**Physical Body Cavity Search** - This is a search that includes physical intrusion into a "body cavity." "Body cavity" means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(3) and 4040(d)(1)).

### 902.3 PAT DOWN SEARCHES

- (a) When any Deputy has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items or, in such circumstances, the Deputy reasonably believes that the individual may present a threat to officer safety, that Deputy may conduct a normal pat-down search of that individual.
- (b) Prior to detaining any individual in any police vehicle, a Deputy should conduct a normal pat-down search of that individual.
- (c) Whenever practical, a pat-down search of an individual should be conducted by a Deputy of the same sex as the person being searched. Absent the availability of a same sex Deputy, it is recommended that a witness Deputy be present during any pat-down search of an individual of opposite sex as the searching Deputy.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 902 - Custody Searches

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### 902.4 NORMAL BOOKING SEARCHES

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for crimes not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:
  - 1. The person is not cited and released.
  - 2. The person is not released on his or her own recognizance.
  - 3. The person is not able to post bail within a reasonable time not less than 3 hours.
- (b) No person held in custody, except those involving weapons, controlled substances or violence, shall be subjected to a strip search or visual body search prior to placement in the general jail population
- (c) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

### 902.5 STRIP SEARCHES

- (a) No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, controlled substances or violence, shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population unless a Deputy has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search. Such reasonable suspicion may be based on any of the following factors:
  - 1. The nature of the charge on which the arrestee is held involves parole violations, weapons, violence, or controlled substances. If the arrestee is held pursuant to a warrant for failure to appear, the original charge should be considered when determining whether or not an arrestee is subject to a strip search (e.g., a failure to appear warrant that also has a charge of 242 listed as the original charge).
  - 2. The arrestee's criminal history and/or arrest history includes violence, weapons, drugs, probation or parole status, previous prison commitment, serious types or significant numbers of entries, and/or other factors which would indicate the possibility that the arrestee might carry or attempt to conceal weapons or dangerous contraband.
  - 3. The particular appearance of the arrestee, including conduct prior to, during, or following arrest; conduct at the jail during pre-admission or admission process; or general actions indicating that the arrestee is possibly concealing weapons/contraband.
- (b) No strip search or body cavity search shall be conducted without prior written authorization from a supervisor.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 902 - Custody Searches

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1. Upon a determination that reasonable suspicion exists to conduct a strip search, the Deputy must state the specific and articulable facts demonstrating such reasonable suspicion on an Authorization for Strip Search form, which must be approved by the booking sergeant prior to the search.
  2. The time, date, and place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.
- (c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.
- (d) Unless conducted by a physician or other licensed medical personnel, the Deputy(s) conducting the strip search or visual body cavity search shall be of the same sex as the person being searched.
- (e) When conducting a strip search on a transsexual, the sex of the Deputy chosen to conduct the search shall be based on the predominate sexual characteristics of the genitalia of the transsexual being searched.
- (f) Whenever possible, a second Deputy of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (g) The Deputy conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

### **902.51 PHYSICAL BODY CAVITY SEARCH**

- (a) No person arrested shall be subjected to a body cavity search without a search warrant.
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or level II Emergency Medical Technician may conduct a physical body cavity search. A body cavity search of an arrestee shall not be conducted by jail medical staff or at a detention facility.
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.
- (e) When conducting a body cavity search on a transsexual, the sex of the Deputy chosen to witness the search shall be based on the predominate sexual characteristics of the genitalia of the transsexual being searched.

## 905 - Escape Procedures

### 905.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Guidelines to Detention and Law Enforcement Personnel in the event of an escape by a Sonoma County Sheriff's inmate. Department personnel should work cooperatively in the identification and apprehension of any Sonoma County Sheriff's inmate escapee, within the guidelines of this policy.

### 905.2 PROCEDURES

- (a) When the Detention Division is reasonably certain there has been an escape, the Detention and Patrol Watch Commanders and Dispatch will be notified. This will enable Patrol units to be moved to the immediate area of the escape.
- (b) When the identity of the escapee has been established, Detention and Patrol Watch Commanders and Dispatch will be notified. As complete a description of the escapee as is available will be provided to enable Dispatch to broadcast an "APB."

Information to be furnished will include: name, nickname, alias, race, sex, age, height, weight, color of hair, eyes, complexion, description of clothing, home address, charge and sentence, unusual features (glasses, mustache, tattoos, scars, etc.).

- (c) When the above procedures have been completed, the superior officers of the Detention 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  
Captain  
Assistant Sheriff  
Sheriff

- (d) 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 the Detention and Patrol Watch Commanders, assigned Detective and Dispatch for a supplementary broadcast and search assignments, and made a part of the report.
- (e) The immediate search and apprehension, the "All Points" broadcasts and directed teletypes will be the responsibility of the Patrol Division's ranking supervisor on duty.
- (f) When the ranking patrol supervisor on-duty deems it advisable to have additional manpower assigned to the escape detail, he/she shall request the same from the respective division Watch Commanders.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *905 - Escape Procedures*

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- (g) The responsibility for the original Detention report will be that of the division and deputy from where the escape occurred. The patrol report will be assigned to a Deputy by the Patrol Sergeant.
- (h) When the ranking Patrol supervisor on-duty determines the immediate re-taking of the escapee cannot be accomplished, the case will be referred for further investigation to the Investigation's Bureau. The on-call Property Crimes Detective will be called out to immediately follow-up on recapturing the escapee.
- (i) If the escapee is re-taken by search and escape assignments, the cases will be transferred to the Investigation's Bureau for prosecution and cancellations. All divisions concerned will cooperate fully in the case preparation and prosecution.
- (j) If, during the escape, violence or criminal acts other than the escape occur, the scene will be preserved, other participants separated and the Investigation's Bureau notified immediately. A Detective will be assigned for immediate investigation and interrogation. Other Sheriff's units will continue with the search and escape assignments. The ranking Detention and Patrol supervisor on-duty will assist the Detective as much as possible.

### **905.21 PRESS RELEASE**

- (a) Upon escape the press release is the responsibility of Detention Division personnel.
- (b) Upon capture the press release is the responsibility of Law Enforcement Division personnel.

SONOMA COUNTY SHERIFF'S DEPARTMENT  
Law Enforcement Division

**Chapter 10 – Personnel**

## 1004 - Transfer to Special Units/Assignments Process

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for transfer within the assignments of the Sonoma County Sheriff's Department.

#### **1004.11 GENERAL REQUIREMENTS**

The following criteria will be used in evaluating a member of the Sonoma County Sheriff's Department for transfer or assignment to a specialty position.

- (a) Presents a professional, neat appearance.
- (b) The member maintains a physical condition, which aids in their performance.
- (c) Demonstrates:
  - 1. Emotional stability and maturity;
  - 2. Sound judgment and decision making;
  - 3. Personal integrity;
  - 4. Honesty;
  - 5. Leadership;
  - 6. Initiative;
  - 7. Ability to confront and/or deal with issues both positive and/or negative;
  - 8. Ability to conform to organizational goals and objectives; and
  - 9. Ability to respond within 1 hour to the main office (applies to emergency call out units only).
- (d) Off probation at time of appointment.

### 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers or specialty assignments for non-supervisory positions as defined in the DSA MOU, and are not considered promotions:

- (a) SWAT
- (b) Detective
- (c) K-9
- (d) Field Training Deputy
- (e) Bomb Squad

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## 1004 - Transfer to Special Units/Assignments Process

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- (f) Helicopter Unit
- (g) Internal Affairs
- (h) Background Investigator
- (i) Dive Team
- (j) Mounted Unit
- (k) Resident Deputy
- (l) Hostage Negotiator
- (m) Other paid specialty positions per DSA MOU

### 1004.3 SELECTION PROCESS

Assignments to specialty units will be made based on past evaluations, supervisor recommendations and review of member's qualifications in interview.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations, or for training.

## 1010 - Reporting of Member Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a member's ability to properly perform official duties; therefore, all members shall be required to promptly notify the department of any past and current criminal convictions.

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act [18 USC §§921(a) and 922(d)], any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as:

- (a) Misdemeanors under federal or state law, which,
- (b) Having, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders). 18 USC § 922(d)(8).

Penal Code §12021(c)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code §6389 prohibits any person from carrying a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders).

### 1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo 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.

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 agency may be inherently in conflict with law enforcement duties and the public trust.

# SONOMA COUNTY SHERIFF'S DEPARTMENT

## *1010 - Reporting of Member Convictions*

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### 1010.4 REPORTING PROCEDURE

All employees of this Department and all retired officers with a CCW endorsement shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a CCW endorsement shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his or her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

### 1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 12021 (c)(2), a peace officer may petition the court for permission to carry a firearm following a conviction under state law. However, federal law does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 12021 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any member falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each member shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389 (h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the member's own resources and on the member's own time.

Pending satisfactory proof of relief from any legal restriction imposed on a member's duties, the member may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return a member to any assignment, reinstate any member or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.



# SONOMA COUNTY SHERIFF'S DEPARTMENT

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