

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

State

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

100.2 PEACE OFFICER POWERS

State

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

100.2.1 DELIVERY TO NEAREST MAGISTRATE

State

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

100.2.2 CORRECTIONAL PEACE OFFICER POWERS

Agency Content

Sworn members of this department who are in the Correctional Deputy classification shall be considered peace officers while on duty pursuant to Penal Code 830.1c. The authority of any such peace officer extends to any place in the state, as follows:

- a. only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments: or
- b. when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

Prior to the successful completion of the Correctional Officer Core Academy and 832 PC - Laws of Arrest, Correctional Deputies shall be considered public officers pursuant to 831.5 PC.

100.2.3 JURISDICTION

Agency Content

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed with the County or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

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

State

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

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

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

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

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

State

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

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

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- (e) In compliance with an arrest warrant.

100.2.6 TIME OF MISDEMEANOR ARRESTS

State

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

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

100.2.7 OREGON AUTHORITY

State

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

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

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

Whenever practicable, deputies should seek permission from a office supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.3 CONSTITUTIONAL REQUIREMENTS

Agency Content

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

100.4 POLICY

Best Practice

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

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

100.5 INTERSTATE PEACE OFFICER POWERS

State

Peace officer powers may be extended to other states:

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

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

State MODIFIED

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

101.1.1 SHERIFF CANDIDATE REQUIREMENTS

State

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

Oath of Office

102.1 PURPOSE AND SCOPE

State

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

102.2 POLICY

State

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

102.3 OATH OF OFFICE

State

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

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

102.4 MAINTENANCE OF RECORDS

Best Practice

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

Policy Manual

103.1 PURPOSE AND SCOPE

Discretionary MODIFIED

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

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

103.1.1 DISCLAIMER

Agency Content

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

103.2 POLICY

Best Practice

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

103.2.1 DISCLAIMER

Best Practice

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

Policy Manual

103.2.2 EXECUTIVE MANAGEMENT / COMMAND STAFF

Agency Content

Executive Management / Command Staff shall consist of the following:

- Sheriff
- UnderSheriff
- Assistant Sheriffs
- The Captain from each division
- The Lieutenant from each unit
- Civilian Managers

Management / Command Staff shall review all recommendations regarding proposed changes to the manual as needed.

103.3 REVISIONS TO POLICIES

Best Practice MODIFIED

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

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

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Lieutenant via chain-of-command, who will consider the recommendations and forward them to the Executive Management / Command Staff as appropriate.

103.4 AUTHORITY

Discretionary

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

103.4.1 ACCEPTABLE ABBREVIATIONS

Agency Content

The following abbreviations are acceptable substitutions in the manual:

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

Policy Manual

103.5 DEFINITIONS

Best Practice

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Tulare.

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

Department/TCSO - The Tulare County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

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

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

Policy Manual

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

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

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

USC - United States Code.

103.6 ISSUING THE POLICY MANUAL

Best Practice **MODIFIED**

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

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

103.7 PERIODIC REVIEW OF THE POLICY MANUAL

Best Practice **MODIFIED**

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

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

Best Practice

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

104.2 POLICY

Best Practice

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

State

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Best Practice

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

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

Discretionary

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

200.2 DIVISIONS

Discretionary

MODIFIED

The Sheriff is responsible for administering and managing the Office. There are six divisions in the Office:

- Investigation Division
- Patrol Division
- Professional Standards
- Administrative Services
- Detentions
- Administrative Support

200.2.1 DIVISION COMMAND

Discretionary

MODIFIED

Each division will be commanded by a Captain whose primary responsibility is to provide general management direction and control for his or her assigned division.

200.3 COMMAND PROTOCOL

Best Practice

200.3.1 SUCCESSION OF COMMAND

Best Practice

MODIFIED

The Sheriff exercises command over all personnel in the Department. During planned absences the Sheriff will designate a Manager to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Undersheriff
- (b) Assistant Sheriff
- (c) Captain
- (d) Lieutenant
- (e) Sergeant

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Organizational Structure and Responsibility

f. Officer in Charge

200.3.2 UNITY OF COMMAND

Best Practice

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

200.3.3 ORDERS

Best Practice

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

General Order

201.1 PURPOSE AND SCOPE

Discretionary MODIFIED

General Orders establish an interdepartmental 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.** General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 GENERAL ORDER PROTOCOL

Discretionary

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

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

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first General Order for the year 2012.

201.2 RESPONSIBILITIES

Best Practice MODIFIED

201.2.1 STAFF

Best Practice MODIFIED

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order. The policy manual will be updated at the end of each calendar year.

201.2.2 SHERIFF

Best Practice MODIFIED

The Sheriff shall issue all General Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS

Best Practice MODIFIED

All employees are required to read and obtain any necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Personnel Lieutenant.

Disaster Plan

202.1 PURPOSE AND SCOPE

State

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

202.2 ACTIVATING THE EMERGENCY PLAN

Best Practice MODIFIED

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

202.2.1 RECALL OF PERSONNEL

Best Practice

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

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

202.3 LOCATION OF THE PLAN

Best Practice

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

202.4 UPDATING OF MANUALS

Best Practice MODIFIED

The Sheriff or the Search and Rescue (SAR) / Law Enforcement Mutual Aid (LEMA) Coordinator shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

Electronic Mail

203.1 PURPOSE AND SCOPE

Best Practice MODIFIED

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

203.2 E-MAIL RIGHT OF PRIVACY

Best Practice MODIFIED

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

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

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

203.3 PROHIBITED USE OF E-MAIL

Best Practice MODIFIED

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

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

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

203.4 EMAIL RECORD MANAGEMENT

Discretionary MODIFIED

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Electronic Mail

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

In reference to Tulare County Information and Communication Technology (TCICT) Policy Section 4 - E-mail Retention Policy., County TCICT shall be responsible for all email records and its retention.

Administrative Communications

204.1 PURPOSE AND SCOPE

Discretionary

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

204.2 MEMORANDUMS

Discretionary

Personnel Order may be issued periodically by the Sheriff to announce and document all promotions, personnel commendations, or other changes in status.

204.3 CORRESPONDENCE

Discretionary

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

204.4 SURVEYS

Discretionary

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

Staffing Levels

205.1 PURPOSE AND SCOPE

Discretionary

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

205.2 MINIMUM STAFFING LEVELS

Discretionary

Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty whenever possible. Patrol Lieutenants will ensure that at least one field supervisor is deployed during each watch, in addition to the Patrol Lieutenant.

205.3 SUPERVISION

Agency Content

In order to accomodate absences necissitated by unforeseen circumstances, employees classsified as "Officer in Charge" may be used as field supervisors in place of a Sergeant. The Officer in Charge shall not be utilized to cover two substations in the absceence of both field supervisors.

License to Carry a Firearm

206.1 PURPOSE AND SCOPE

State

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

206.1.1 APPLICATION OF POLICY

State

Nothing in this policy shall preclude the Chief or other head of a municipal police office from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police office to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

206.2 POLICY

State

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

206.3 QUALIFIED APPLICANTS

State

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the County of Tulare (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.

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License to Carry a Firearm

- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

206.4 APPLICATION PROCESS

State

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

206.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

State

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the County of Tulare for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).
 - 1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.

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License to Carry a Firearm

3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in office files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for office use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

206.4.2 PHASE TWO

State **MODIFIED**

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

- (a)
 1. The determination of good cause should consider the totality of circumstances in each individual case.
 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 3. The Office will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Office for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

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- (c) The applicant shall complete a course of training approved by the office, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) It is the applicants responsibility to assure proper functioning, handling, repair, and safekeeping of the firearms in their possession. It is also the applicants responsibility to assure that the firearms in their possession are deemed safe.
The Sheriff's Office has the right to deny CCW applications for any firearm that may be found out of compliance with State Law (California Penal Code § 31910).
- (e) The applicant shall successfully complete a Tulare County approved firearms safety and proficiency course.

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

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

206.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

State

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

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

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

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206.6 ISSUED FIREARMS PERMITS

State

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
 - 1. Each license shall be numbered and clearly identify the licensee.
 - 2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this office in writing within 10 days of any change of place of residency.

206.6.1 LICENSE RESTRICTIONS

Best Practice

- (a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.

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2. Falsely representing him/herself as a peace officer.
 3. Unjustified or unreasonable displaying of a firearm.
 4. Committing any crime.
 5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- (b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

206.6.2 AMENDMENTS TO LICENSES

State

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Office in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

206.6.3 REVOCATION OF LICENSES

State

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

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

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

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

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

206.6.4 LICENSE RENEWAL

State **MODIFIED**

No later than 30 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a office-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

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

206.7 OFFICE REPORTING AND RECORDS

State

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

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

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

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206.8 CONFIDENTIAL RECORDS

State

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

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

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

Federal

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

207.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

207.3 LEOSA

Federal

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this office who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this office as a deputy.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

Federal

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

If the Tulare County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Federal

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when he/she is:

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- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 - 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

207.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

State

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

State

The identification card issued to any qualified and honorably retired deputy shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

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

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207.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

State

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

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

207.4.3 QUALIFIED RETIRED RESERVES

State

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

207.5 FORMER DEPUTY RESPONSIBILITIES

Best Practice

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

207.5.1 RESPONSIBILITIES UNDER LEOSA

Federal

In order to obtain or retain a LEOSA identification card, the former deputy shall:

- (a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.
- (b) Remain subject to all applicable office policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

State

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

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

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- (b) Remain subject to all applicable office policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Office.

207.6 FIREARM QUALIFICATIONS

Discretionary

The Rangemaster may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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

State

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

- (a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Office, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 - 1. The decision of such hearing board shall be binding on the Office 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 Office will then reissue a new identification card which shall be stamped "No CCW Privilege."

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- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Lieutenant as soon as practicable. The Lieutenant should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 2. The Lieutenant should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.
 3. The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Lieutenant should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Lieutenant may request that a law enforcement officer from that agency act as the agent of the Office to deliver the written notification.

Training Policy

208.1 PURPOSE AND SCOPE

Best Practice

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

208.2 PHILOSOPHY

Best Practice

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

208.3 OBJECTIVES

Discretionary

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of office personnel

208.4 TRAINING NEEDS ASSESSMENT

Discretionary

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

208.5 TRAINING PROCEDURES

Best Practice

MODIFIED

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their Unit Commander. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave

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4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date.

208.6 DAILY TRAINING BULLETINS

Best Practice

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

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

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

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

Force Options

300.1 PURPOSE AND SCOPE

State MODIFIED

This policy provides guidelines on the reasonable application of force options. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

300.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

Best Practice MODIFIED

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

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

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

300.2.1 DUTY TO INTERCEDE

Federal

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE OPTIONS

State **MODIFIED**

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

State

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

300.3 USE OF FORCE OPTIONS

Federal **MODIFIED**

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

State **MODIFIED**

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal **MODIFIED**

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

- (a) The apparent immediacy and severity of the threat to deputies or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time (Penal Code § 835a).
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The conduct of the involved deputy leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with deputy commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

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- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the deputy.
- (m) Potential for injury to deputies, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Best Practice

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

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

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

300.3.4 USE OF FORCE OPTIONS TO SEIZE EVIDENCE

Best Practice **MODIFIED**

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

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300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

State

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

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

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

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

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

State

Deputies of this office are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Federal

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

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

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

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- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
- (b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

State

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

State

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

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

Force Options

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

300.5 REPORTING FORCE OPTION USE

Best Practice **MODIFIED**

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

300.5.1 NOTIFICATION TO SUPERVISORS

Best Practice **MODIFIED**

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, leg restraints, or waist restraints.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

State

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Unit Policy.

300.6 MEDICAL CONSIDERATION

State

Once it is reasonably safe to do so, properly trained deputies should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Force Options

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

State **MODIFIED**

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

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the subject may pursue civil litigation.

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1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 LIEUTENANT RESPONSIBILITY

Best Practice **MODIFIED**

Lieutenants shall review each force option application by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

State

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

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

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

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 USE OF FORCE COMPLAINTS

State

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

300.10 POLICY REVIEW

State

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.11 POLICY AVAILABILITY

State

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Force Options

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

300.12 PUBLIC RECORDS REQUESTS

State

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

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

Best Practice

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

302.2 POLICY

Best Practice

MODIFIED

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

302.3 USE OF RESTRAINTS

Best Practice

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

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

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

302.3.1 RESTRAINT OF DETAINEES

Best Practice

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

State

MODIFIED

Handcuffing and Restraints

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

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

302.3.3 RESTRAINT OF JUVENILES

Best Practice

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

302.3.4 NOTIFICATIONS

Best Practice

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Best Practice **MODIFIED**

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

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

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

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

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

302.5 APPLICATION OF SPIT HOODS

Best Practice

Handcuffing and Restraints

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

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

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

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Best Practice **MODIFIED**

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Best Practice

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

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

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

Handcuffing and Restraints

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

Best Practice

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

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

Best Practice **MODIFIED**

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

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

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

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

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

302.9 TRAINING

Best Practice **MODIFIED**

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

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

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

Best Practice

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

303.2 POLICY

Best Practice

MODIFIED

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Best Practice

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

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

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

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

303.4 RESPONSIBILITIES

Best Practice

303.4.1 WATCHCOMMANDER RESPONSIBILITIES

Best Practice

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

303.4.2 RANGEMASTER RESPONSIBILITIES

Best Practice

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

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Control Devices and Techniques

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

303.4.3 USER RESPONSIBILITIES

Best Practice

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

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

303.5 BATON GUIDELINES

Best Practice

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

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

303.6 TEAR GAS GUIDELINES

Best Practice

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

Best Practice

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

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Control Devices and Techniques

303.7.1 OC SPRAY

Best Practice

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

303.7.2 PEPPER PROJECTILE SYSTEMS

Best Practice

MODIFIED

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

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

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

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Best Practice

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

303.8 POST-APPLICATION NOTICE

Best Practice

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

Best Practice

Control Devices and Techniques

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

303.9.1 DEPLOYMENT AND USE

Best Practice

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Best Practice

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

Control Devices and Techniques

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

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

303.9.3 SAFETY PROCEDURES

Best Practice

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

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

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

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

303.10 TRAINING FOR CONTROL DEVICES

Best Practice

MODIFIED

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Force Options Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Force Options Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

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Control Devices and Techniques

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Best Practice **MODIFIED**

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

Conducted Energy Device

304.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidelines for the issuance and use of TASER devices.

304.2 POLICY

Best Practice

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

304.3 ISSUANCE AND CARRYING CONDUCTED ENERGY DEVICES

Best Practice MODIFIED

Only members who have successfully completed department-approved training shall be issued and carry the TASER device.

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

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

Members issued the TASER device should perform a spark test on the unit prior to every shift.

Uniformed deputies shall carry the TASER device in a cross-draw holster on the side opposite the duty weapon. Deputies should operate the TASER device with their dominant hand.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER device.
- (c) Deputies shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the TASER device at the same time.
- e. X2 Tasers shall Remain in Manual Mode.

304.4 VERBAL AND VISUAL WARNINGS

Best Practice MODIFIED

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the X26 device), or the 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 his/her vision.

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

304.5 USE OF THE TASER DEVICE

Best Practice **MODIFIED**

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

304.5.1 APPLICATION OF THE TASER DEVICE

Best Practice **MODIFIED**

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

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

Best Practice

Conducted Energy Device

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

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

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

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

304.5.3 TARGETING CONSIDERATIONS

Best Practice

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

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Best Practice **MODIFIED**

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

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

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- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Best Practice **MODIFIED**

Deputies shall notify a supervisor of all TASER device discharges. Expended cartridge should be collected and the expended cartridge, along with both probes and wire be disposed of via a biohazard container./ The cartridge serial number should be noted and documented in the report.

304.5.6 DANGEROUS ANIMALS

Best Practice

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

304.5.7 TASER® CAM™

Best Practice **MODIFIED**

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

Each TASER or TASER CAM is to be downloaded quarterly (every 3 months) regardless of deployment. This action is to ensure the memory is not full due to the daily tests, and also to confirm the device memory is in sync with actual date and time.

The TASER CAM or battery shall not be removed from the TASER, except by an authorized TASER Instructor or for shipping to a vendor for repairs.

304.5.8

Best Practice **MODIFIED**

TASER device

304.6 DOCUMENTATION

Best Practice **MODIFIED**

Deputies shall document all TASER device discharges in the related arrest/crime report and /or an incident report. Notification shall also be made to a supervisor in compliance with the Force

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Options Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented via a report.

304.6.1 TASER REPORTS

Best Practice **MODIFIED**

Items that shall be included in the incident/crime report:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Training Lieutenant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Lieutenant should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

Best Practice

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

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

Conducted Energy Device

304.7 MEDICAL TREATMENT

Best Practice MODIFIED

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

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

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

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

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

304.8 SAFE HANDLING OF THE TASER

Agency Content

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

304.8.1 SAFETY CONSIDERATIONS

Agency Content

- (a) Deputies shall not unnecessarily display or handle any TASER.

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- (b) Any member who discharges his/her TASER accidentally or intentionally, on or off-duty, shall brief his/her supervisor immediately and complete an incident report to as soon as circumstances permit.
- (c) Any TASER issued by the department to be carried on duty that is found by the deputy to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department for inspection. Any weapon determined to be in need of service or repair during an inspection by the department, will be immediately removed from service.

304.8.2 STORAGE AT HOME

Agency Content

Deputies shall ensure that the TASER is locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults.

Deputies shall be aware that negligent storage of the TASER could result in disciplinary action.

304.9 SUPERVISOR RESPONSIBILITIES

Best Practice MODIFIED

When possible, a supervisor should respond to all incidents where the TASER device was activated.

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

304.10 TRAINING

Best Practice MODIFIED

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

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

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

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

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

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

The Training Lieutenant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Force Options e Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

Best Practice

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

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

305.2 POLICY

Best Practice

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

305.3 TYPES OF INVESTIGATIONS

Best Practice **MODIFIED**

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Best Practice

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

Best Practice

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Tulare County Sheriff's Office would control the investigation if the suspect's crime occurred in Tulare.

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If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

Best Practice

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Best Practice

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

Best Practice

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

305.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Best Practice

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

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

305.5.2 LIEUTENANT RESPONSIBILITIES

Discretionary

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

All outside inquiries about the incident shall be directed to the Lieutenant.

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305.5.3 NOTIFICATIONS

Discretionary **MODIFIED**

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

- Sheriff
- Undersheriff
- Investigation Division Commander
- Unit Commander of officer involved
- District Attorney on call attorney
- Internal Affairs Unit supervisor
- TCDSA/Peer Support
- Coroner (if necessary)
- Deputy representative (if requested)
- County Administrative Office Notification (with Sheriff/Undersheriff's approval)

All outside inquiries about the incident shall be directed to the Investigations Lieutenant.

305.5.4 INVOLVED OFFICERS

Agency Content

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

- (a) Any request for department or legal representation will be accommodated, however, no involved deputy shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Department to each involved deputy, or any other deputy, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.

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2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

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

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

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

305.6 CRIMINAL INVESTIGATION

State **MODIFIED**

The designated outside Law Enforcement Agency is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) TCSO supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of TCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

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- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED TCSO DEPUTIES

State

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

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

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

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

305.6.2 CRIMINAL INVESTIGATION

Agency Content

To promote unbiased and impartial investigations, the Captain who's Division includes the Internal Affairs Unit will be responsible for contacting a neighboring local law enforcement agency to conduct the criminal investigation of any officer-involved shooting or death that occurs incident to arrest. The outside agency investigating the officer-involved shooting will submit the criminal investigation to the District Attorneys Office for independent review into the circumstances.

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

- (a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (c) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

305.6.3 REPORTS BY INVOLVED OFFICERS

Agency Content

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

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

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

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

305.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Federal

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

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- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Office.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.7 ADMINISTRATIVE INVESTIGATION

State **MODIFIED**

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of TCSO deputies to determine conformance with office policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to office policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
 - 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

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3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview (Government Code § 3303(g)).
4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 AUDIO AND VIDEO RECORDINGS

Best Practice

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel's Office, as appropriate.

305.9 MEDIA RELATIONS

Best Practice

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Lieutenant, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

The Office shall not subject any involved TCSO deputy to visits by the media (Government Code § 3303(e)). No involved TCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Division Commander. Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from

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public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.10 DEBRIEFING

Best Practice

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

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

Best Practice

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

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

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

305.10.2 TACTICAL DEBRIEFING

Best Practice

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 REPORTING

State MODIFIED

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

305.12 CIVIL LIABILITY RESPONSE

Best Practice

A member of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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Officer-Involved Shootings and Deaths

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

Firearms

306.1 PURPOSE AND SCOPE

Best Practice **MODIFIED**

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

This policy does not apply to issues related to the use of firearms that are addressed in the Force Options or Officer-Involved Shootings and Deaths policies.

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

306.2 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Best Practice **MODIFIED**

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

All other weapons not provided by the Office, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

While on duty, all handguns that are authorized for carry shall be loaded with live ammunition. Pistol magazines will be carried to full capacity with the chamber on the pistol being loaded. Each chamber of a revolver will be loaded.

306.2.1 HANDGUNS

Best Practice **MODIFIED**

The authorized office-issued handgun is the Sig Sauer P320, 9mm modular frame. All uniformed personnel in Class "A", Class "B", or any combination of the utility uniform shall carry the department issued Sig Sauer P320 in the department issued holster as their primary firearm. Secondary or alternative firearms are approved for on duty carry for any attire not listed above.

The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Sig Sauer	Any Model	9mm, 40 caliber, 45 caliber
Glock	Any Model	9mm, 40 caliber, 45 caliber
Any Make	1911 single action auto, heavy frame	.45 caliber only
Smith & Wesson	645, 4506, 4516	.45 caliber only

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Smith & Wesson Revolver	Any Model	.38 or .357 caliber only
Smith & Wesson	M & P Series	9mm, .40 caliber, .45 caliber
Colt Revolver	Any Model	.38 or .357 caliber only

306.2.2 SHOTGUNS

Best Practice **MODIFIED**

The authorized office-issued shotgun is the Remington 870 12 gauge. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Remington	Any Pump Action Model	12 guage
Mossberg	Any Pump Action Model	12 guage
Benelli	Any Pump Action Model	12 guage
Browning	Any Pump Action Model	12 guage

Semi-Auto shotguns are approved for SWAT. Any other unit or individual wanting to carry a semi-auto shotgun must have approval from the Unit Commander and Division Commander.

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

306.2.3 PERSONALLY OWNED DUTY FIREARMS

Discretionary

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the office list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

306.2.4 AUTHORIZED SECONDARY WEAPONS

Agency Content

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

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- (a) Only Department authorized calibers as stated in Policy Manual § 308.2.1 may be carried and .380 caliber.
- (b) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Glock, Sig Sauer etc.)
- (c) Only one secondary weapon may be carried at a time in an authorized holster.
- (d) The purchase of the weapon and ammunition shall be the responsibility of the deputy.
- (e) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (f) The weapon shall be subject to inspection whenever deemed necessary.
- (g) Ammunition shall be the same as Department issue or of equal quality.
- (h) Personnel shall qualify with the secondary weapon under range supervision. Deputies must demonstrate their proficiency, safe handling and serviceability of the weapon.
- (i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster.

306.2.5 AUTHORIZED OFF-DUTY WEAPONS

Agency Content

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

- (a) Only Department authorized calibers as stated in Policy Manual § 308.2.1 may be carried and .380 caliber.
- (b) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Glock, etc.).
- (c) The purchase of the weapon and ammunition shall be the responsibility of the deputy.
- (d) The weapon shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) It will be the responsibility of the deputy to submit the weapon to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall ensure that the deputy is proficient in handling and firing the weapon and that it will be carried in a safe manner. The weapon shall be subject to periodic inspection by the Rangemaster. The deputy will successfully qualify with the weapon prior to it being carried and thereafter once every six months. The range qualification dates will be specified by the Rangemaster.
- (f) A complete description of the weapon shall be contained on the qualification record approved by the Rangemaster.

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- (g) If any member desires to use more than one weapon while off-duty, he/she may do so, as long as the deputy meets all the requirements set forth in this policy for each weapon used.
- (h) Deputies shall only carry department-authorized ammunition.
- (i) When armed, whether on-duty or off-duty, deputies shall carry their badge and department identification.

306.2.6 AMMUNITION

Agency Content

Deputies shall carry department-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the deputy's scheduled qualifications throughout the year. Deputies carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the rangemaster when needed in accordance with established policy.

306.2.7 HOLSTERS

Best Practice MODIFIED

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Operational deputy's holster will be equipped with an Axon Switch. Members will not tamper, manipulate, modify or remove the Axon Switch.

306.2.8 REPAIRS OR MODIFICATIONS

Best Practice MODIFIED

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster. This includes but not limited to aftermarket grips, sights, and lighting systems.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster. The Rangemaster will generate a memo stating a modified weapon has been inspected and authorized.

306.2.9 LASER SIGHTS

Agency Content

Laser sights and/or illumination devices (flashlights) may only be installed on a weapon carried on or off-duty after they have been examined/ approved by the Rangemaster.

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- (a) Any approved laser sight and/or illumination device (flashlight) shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights and/or illumination device (flashlight) have been properly installed on any weapon, the deputy shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it
- (c) Pistol Mounted Optic (PMO) sighting, modification or removal will only be done under supervision by the department rangemaster or designated armorer.

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.

306.2.10 ALCOHOL AND DRUGS

Agency Content

Weapons shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the deputy's senses or judgment.

306.3 SAFE HANDLING, INSPECTION AND STORAGE

Best Practice

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's

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primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.3.1 INSPECTION AND STORAGE

Best Practice

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

Personally owned firearms may be safely stored in lockers at the end of the shift. Office-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.3.2 STORAGE IN VEHICLES

State

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

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

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

306.4 RANGEMASTER DUTIES

Best Practice MODIFIED

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

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

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

Firearms

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

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

306.5 FIREARMS TRAINING AND QUALIFICATIONS

Best Practice **MODIFIED**

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least two times a year with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.5.1 NON-CERTIFICATION OR NON-QUALIFICATION

Best Practice

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.6 FLYING WHILE ARMED

Federal

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Tulare County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Tulare County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Tulare County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.7 CARRYING FIREARMS OUT OF STATE

Federal

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

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

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

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

306.8 FIREARM DISCHARGE

Best Practice MODIFIED

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

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

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

306.8.1 DESTRUCTION OF ANIMALS

Best Practice

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

Firearms

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

306.8.2 INJURED ANIMALS

State

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

306.8.3 WARNING AND OTHER SHOTS

Best Practice

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

Vehicle Pursuits

307.1 POLICY

It is the policy of this office to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.2 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

307.3 PURPOSE AND SCOPE

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

307.3.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

Vehicle Pursuits

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

307.4 DEPUTY RESPONSIBILITIES

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

307.4.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked sheriff's office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and deputy vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

Vehicle Pursuits

- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

307.4.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

307.4.3 SPEED LIMITS

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

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.

Vehicle Pursuits

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

307.5 PURSUIT UNITS

When involved in a pursuit, unmarked sheriff's office emergency vehicles should be replaced by marked emergency vehicles whenever practicable

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

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

307.5.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

307.5.2 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

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to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

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

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

-
- | Row | Bar Length (approx. % of total width) |
|-----|---------------------------------------|
| 1 | 95 |
| 2 | 95 |
| 3 | 15 |
| 4 | 95 |
| 5 | 95 |
| 6 | 95 |
| 7 | 95 |
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307.5.5 PURSUIT TRAILING

[REDACTED]

307.5.6 AIR SUPPORT ASSISTANCE

[REDACTED]

[REDACTED]

307.5.7 UNITS NOT INVOLVED IN THE PURSUIT

[REDACTED]

[REDACTED]

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

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- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Lieutenant is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this office.
- (j) Controlling and managing Tulare County Sheriff's Office units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

307.6.1 PATROL LIEUTENANT RESPONSIBILITIES

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

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

307.7 COMMUNICATION CENTER

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

307.7.1 COMMUNICATION CENTER RESPONSIBILITIES

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

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

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307.7.2 LOSS OF PURSUED VEHICLE

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

307.8 INTER-JURISDICTIONAL CONSIDERATIONS

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

307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

307.9 WHEN PURSUIT INTERVENTION IS AUTHORIZED

[REDACTED]

307.9.1 USE OF FIREARMS

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

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

307.9.2 INTERVENTION STANDARDS

[REDACTED]

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Vehicle Pursuits



307.9.3 CAPTURE OF SUSPECTS

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

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

307.10 REPORTING REQUIREMENTS

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

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

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

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

307.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

307.10.2 POLICY REVIEW

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

Deputy Response to Calls

308.1 PURPOSE AND SCOPE

Best Practice

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

308.2 RESPONSE TO CALLS

State

Deputies dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Deputies responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Deputies should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Best Practice

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:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

308.3.1 NUMBER OF UNITS ASSIGNED

Best Practice

Normally, only one unit should respond to an emergency call Code-3 unless the Lieutenant or the field supervisor authorizes an additional unit(s).

Deputy Response to Calls

308.4 INITIATING CODE 3 RESPONSE

Best Practice **MODIFIED**

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately request authorization from a supervisor. Generally, only one unit should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, Dispatch shall be notified and the Patrol Lieutenant or field supervisor will make a determination as to whether one or more deputies driving Code-3 is appropriate.

308.5 RESPONSIBILITIES OF RESPONDING DEPUTIES

Best Practice

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Dispatch. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, a deputy shall immediately give the location from which he/she is responding.

308.6 COMMUNICATIONS RESPONSIBILITIES

Best Practice **MODIFIED**

When a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed, the dispatcher shall obtain authorization from the Patrol Lieutenant or a field supervisor prior to assigning units Code-3. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the Patrol Lieutenant
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Patrol Lieutenant or field supervisor

308.7 SUPERVISORY RESPONSIBILITIES

Best Practice

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Deputy Response to Calls

Upon being notified that a Code-3 response has been initiated, the Lieutenant or the field supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

When making the decision to authorize a Code-3 response, the Lieutenant or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

308.8 FAILURE OF EMERGENCY EQUIPMENT

Best Practice

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the Lieutenant, field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

Aviation Support Unit (ASU)

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309.2 DEFINITIONS

Agency Content

AVIATION SUPPORT UNIT (ASU): The Tulare County Sheriff's Office Aviation Support Unit provides air support services to ground personnel.

UNIT LIEUTENANT: Lieutenant assigned to manage the daily operations of ASU.

UNIT SERGEANT: Sergeant of ASU, responsible for assigned subordinates and provides daily shift supervision for all pilots and tactical flight officers.

UNIT TRAINING OFFICER: A Certified Flight Instructor with the responsibility for instructing and evaluating pilots and/or pilot candidates during initial and recurrent training.

PILOT IN COMMAND (PIC): Flight crew member assigned as the pilot for a specific shift or function and responsible for the overall flight safety and operations of the aircraft prior to, during, and immediately following a particular flight.

TACTICAL FLIGHT OFFICER (TFO): Flight crew member assigned to conduct the routine daily visual observation of ground activity and communicate/coordinate with ground units.

FLIGHT CREW: Consists of the PIC, TFO, and any other personnel assigned to be in the aircraft performing in-flight operations.

RIDE ALONG PASSENGER: Any person authorized to participate and/or accompany the flight crew in a flight who is not directly responsible for in-flight operations.

TACTICAL PASSENGER: Any person responsible for organizing, directing, coordinating, controlling or participating in a ground operation (i.e. fire, rescue, S.W.A.T., riot, etc.) and airborne flight observation by that person is necessary to perform their role.

OUTSIDE AGENCY: Public entities which are not directly under the Tulare County Sheriff Office jurisdiction but otherwise qualify for air support assistance.

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FEDERAL AVIATION ADMINISTRATION (FAA): The Federal Agency which operates under the umbrella of the Department of Transportation and is directly responsible for the safe and efficient operation of aircraft.

IN-FLIGHT EMERGENCY: A distress or immediate urgency condition while the aircraft is in flight.

PILOT OPERATIONS HANDBOOK (POH): Manufacturers handbook on operating aircraft including limitations and performance information.

309.3 GENERAL PROVISIONS

Agency Content

The Policy and Procedures for the Aviation Support Unit, Tulare County Sheriff's Office, are hereby established, and shall hereafter be referred to as "The Aviation Support Unit Policy and Procedures". All personnel assigned to the Aviation Support Unit shall conform to these policies and procedures.

AIR SUPPORT POLICY

Although aerial patrols may respond to assist ground units through a variety of source activities, e.g., calls, radio/scanner monitoring, visual observations, assigned details, etc., air crews are not required to obtain prior approval for self-initiated responses. However, the Watch Commander reserves the right to cancel the response should they determine that further air support is no longer required.

Crews are expected to exercise sound judgement when assisting ground units handling incidents that affect officer safety or citizen safety. If air crews are requested to depart the area of a particular call by a Watch Commander who believes the incident is non life-threatening and it is evident to the flight crew that continued air support is necessary due to an impending or clearly present life-threatening situation, the crew shall advise the Watch Commander that it is their intent to remain overhead until imminent danger or safety concerns have been allayed. At all times, flight crews shall refrain from being confrontational or insubordinate. Officers and citizen's safety are the paramount concerns for all involved. If a situation such as this occurs, the flight crew shall contact and brief the ASU Sergeant who shall determine if further action is necessary.

309.3.1 CONFLICT OF CONTENTS

Agency Content

If any portion of these policies or procedures that are found to be illegal, incorrect or inapplicable, or conflicts with Departmental rules, regulations or policies, the Departmental Policy and Procedures or Departmental Orders shall prevail. This finding shall not affect the validity of the remaining portions of these policies and procedures.

These Aviation Support Unit Policies and Procedures are applicable to all Department personnel.

Aviation Support Unit (ASU)

309.3.2 POLICIES AND PROCEDURES DOCUMENT - PURPOSE

Agency Content

The purpose of this policy and procedures document is to establish policy, direction, guidelines, and operational procedures for managing the Department's Aviation Support Unit.

This document was prepared to compliment existing Department policies, manufacturer's flight manuals, Federal Aviation Regulations, and other pertinent information relating to flight operations.

This document provides guidance and direction for Air Support personnel. Assigned employees and volunteers are directed to adhere to specific policies and procedures as outlined herein, and to strive to use good judgment in situations not specifically covered.

This document attempts to provide the best possible operating instructions under most foreseen conditions, but cannot substitute for sound judgment and prudent decision making. Emergencies, adverse weather, terrain factors, and/or other extenuating circumstances may require modification of any procedure presented herein.

309.3.3 INFORMATION DISTRIBUTION

Agency Content

The Unit Lieutenant is responsible for ensuring that each member of the ASU operation is informed with regard to the specifications that applies to their duties and responsibilities and will ensure the following material, in current form, is available:

- Federal Aviation Regulations/Aeronautical Information Manual Publication
- Aircraft equipment manuals, aircraft owners manual or flight handbooks for each type of aircraft operated by the ASU.
- California Flight Guide, Jeppesen, (Subscription Service) or similar type pilot's guide to airports.

309.3.4 DOCUMENT DISTRIBUTION

Agency Content

A copy of this document and all future revisions will be distributed to the following:

- Sheriff
- Undersheriff
- Assistant Sheriff
- Division Captain
- Investigations Captain
- Aviation Support Unit Lieutenant
- Aviation Support Unit Sergeant
- Patrol Watch Commander's Office
- All members assigned to the Aviation Support Unit.

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309.3.5 DOCUMENT REVISIONS

Agency Content

Revisions of the Policies and Procedures Manual will be issued in a timely manner as changes in regulations, policies, or procedures occur. An annual review and updated policy and procedure manual will be made available May 1st of each year.

It is the responsibility of the Unit Lieutenant to insure the document is maintained in a current status. The Unit Lieutenant shall distribute revisions to each document holder as indicated in the section above. It is the responsibility of each document holder to maintain a current and complete version of the ASU Policies and Procedures.

All employees are encouraged to submit written or oral suggestions for policy and/or procedures changes that will increase the efficiency, effectiveness, or safety of Unit operations. Submissions will be made to the ASU Sergeant.

309.3.6 PROCEDURE TO CHANGE POLICIES AND PROCEDURES DOCUMENT

Agency Content

No changes will be made to this Policies and Procedures Document without prior approval of the Professional Standards Division Captain.

- A memorandum will be sent to the Division Captain through the Aviation Support Unit chain of command.
- The section to be changed will be clearly identified and include the suggested change with supporting documentation.
- If approved, procedural changes will be made as quickly as possible.
- Emergency changes will require a memorandum submitted to the Division Captain through the Aviation Support Unit chain of command. In such cases, the Aviation Support Unit Lieutenant may act immediately in implementing the necessary change(s) until it can be reviewed and approved.

309.3.7 AIRCRAFT OPERATOR'S MANUAL AND FEDERAL AVIATION REGULATIONS (FARS)

Agency Content

All regulations and limitations set forth in the respective Aircraft Operator's Manual and the FARs shall be strictly adhered to and are considered part of these policies and procedures.

Every flight shall be conducted within the scope of Federal Aviation Administration Regulations (FARS) aircraft operation manuals and departmental policies and procedures. The PIC shall

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decide whether a flight should be initiated, continued, or terminated, taking into consideration the weather, the condition of the aircraft, any hazards, and crew limitations or restrictions.

Only department pilots or approved personnel being tested or trained by the Certified Flight Instructor, their designated alternate, or a unit training pilot are authorized to manipulate the aircraft's controls during ground or flight operations. The Professional Standards Division Captain shall approve all exceptions in advance.

309.3.8 FEDERAL AVIATION REGULATIONS LIBRARY

Agency Content

The Aviation Support Unit shall maintain a current library of FAR/AIM's, applicable Airworthiness Directives, Special Directives and Notices, Unit and Department Policies and Procedures, Training Manuals and Maintenance Manuals.

309.3.9 CONDUCT

Agency Content

All Aviation Support Unit personnel will conduct themselves in a professional and safety conscious manner. **Safety is the first consideration for all operations.**

309.4 ORGANIZATIONS AND DUTIES

Agency Content

THE MISSION STATEMENT OF THE AVIATION SUPPORT UNIT

The mission of the Tulare County Sheriff's Office Aviation Support Unit is to utilize the unique resources of aviation to support the broader mission of the Tulare County Sheriff's Department and allied agencies.

The Aviation Support Unit will provide enhanced quality of life and increased safety within our communities by preserving peace and working cooperatively with the public and allied agencies.

Through the strategic deployment of advanced airborne technologies and practices, the Aviation Support Unit will strive to increase the safety of all law enforcement officers as well as improve their effectiveness and efficiency through professionalism and the timely use of well-equipped modern aircraft.

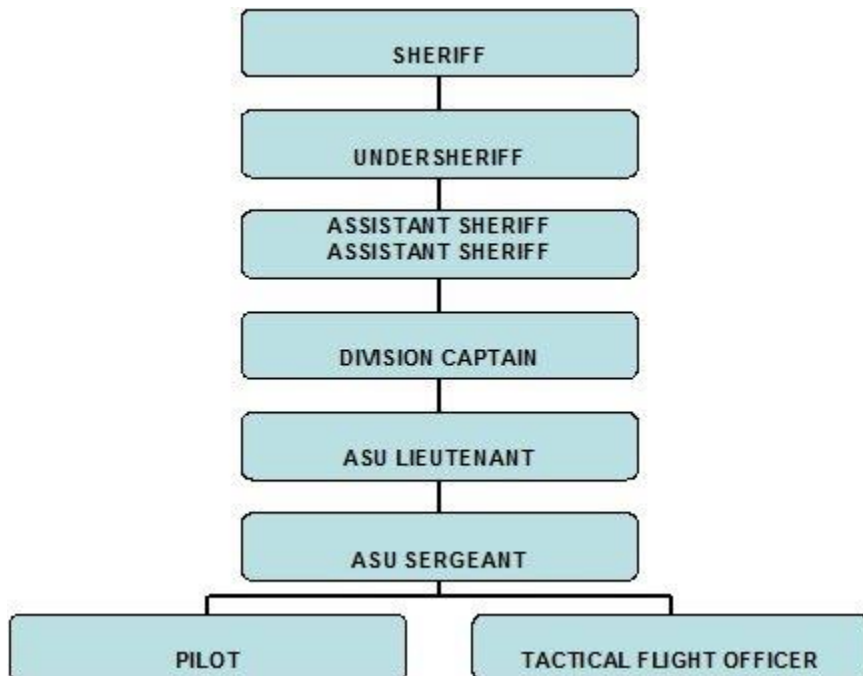
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309.4.1 ORGANIZATIONAL CHART

Agency Content



309.4.2 RESPONSIBILITIES - UNIT LIEUTENANT

Agency Content

The Unit Lieutenant is responsible for:

- Maintain currency of ASU Policies and Procedures. Make annual revisions as necessary.
- Dissemination of rules and regulations governing the use of Department aircraft.
- Budget preparation.
- Monitor Unit budget and all expenditures.
- Monthly and annual statistical and financial reporting.
- Department and community liaison.
- Operations and accounting within the ASU.
- Planning and research.
- Ensure unit safety

The Aviation Support Unit Lieutenant will report directly to the Division Captain.

309.4.3 RESPONSIBILITIES - UNIT SERGEANT

Agency Content

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The Unit Sergeant retains responsibility for compliance with the following additional duties, but may delegate authority to subordinates to carry out the prescribed responsibilities:

- Supervision and scheduling of all pilots and observers.
- Completion of monthly statistical information
- Ensure that monthly statistical information as to flight hours by pilots are correctly entered into individual flight log books that correspond with the daily unit log.
- Coordinate aircraft maintenance to ensure that properly equipped and maintained aircraft are available.
- Preparation of personnel reviews, evaluations, and recommendations for commendations.
- Brief Lieutenant on personnel issues that may lead to disciplinary actions.
- Oversee initial and recurrency training of all personnel and delegate authority to Training Officer, as needed, to accomplish this goal. The Aviation Support Unit Sergeant will report directly to the Aviation Support Unit Lieutenant. In the event the sergeant position is vacant, the ASU lieutenant will assume the responsibilities of the ASU Sergeant.

309.4.4 RESPONSIBILITIES - PILOT IN COMMAND

Agency Content

The Pilot in Command (PIC) shall have the ultimate responsibility for safe operation of the aircraft while in flight, and for compliance with all rules and regulations established by this Policies and Procedures Document, the Aircraft Flight Manual and the FARs concerning actual flight operations. The PIC shall not accept an assignment for which they are not qualified. Other responsibilities include:

- Performance of pre-flight, in-flight, and post-flight duties, including written notification of all maintenance problems encountered to maintenance personnel and notification to the on-duty lieutenant.
- Determining the airworthiness of Department aircraft and the discontinuance of the flight or proposed flight when unairworthy mechanical, electrical, or structural conditions occur.
- Ensuring the compliance of all passengers with FAA regulations such as prohibition of intoxication, smoking, or interference with the operation of the aircraft.
- The PIC is to report all unruly or uncontrollable behavior from passengers to the shift lieutenant as soon as possible. If such activity jeopardizes the safety of the flight, the PIC may discontinue the flight or take other appropriate action to preserve the safety of the flight, as they may deem necessary.
- Complying with all instructions given by Air Traffic Controller (ATC).
- Taking appropriate action in emergencies to ensure safety.
- Remaining with the aircraft until engine shutdown is complete.

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- Securing the aircraft to protect from potential hazards of weather, theft, etc., and in consideration of the next known flight assignment.
- Supervises the fueling of the aircraft and performs tasks necessary to ensure it's availability for any future flights.
- Complete reports and logs as required.
- Ensure passenger loads/unloads with engine off only.
- Train, instruct and certify the TFO to safely land the aircraft in case pilot is incapacitated.

309.4.5 RESPONSIBILITIES - TACTICAL FLIGHT OFFICER

Agency Content

The Tactical Flight Officer shall be responsible for the following duties:

- Observe ground activity.
- Communicate any observed suspicious activity or hazards to public safety to both the pilot and ground units.
- Direct the pilot to the location of specific calls. (Absent any safety considerations, the pilot should remain at the scene of an incident until notified by the tactical flight officer that they are no longer needed).
- Operate the Forward Looking Infrared System (FLIR) and spotlight.
- Operate the law enforcement radios and communicate with ground personnel.
- Maintain a flight/activity log of calls recording items such as time of call, type of call, location, time of arrival and departure, circumstances, and outcome of call.
- Input information from flight/activity log into computer data base by end of shift.
- Assist pilot, when able, by watching for other aircraft traffic.
- Write reports as required.
- Safely land the aircraft in the event the pilot is incapacitated. (Pilot Shall instruct and certify that TFO is competent to perform this task).
- Operate all surveillance equipment.
- Effectively direct ground personnel into positions of advantage during surveillance activities.

309.5 PERSONNEL ADMINISTRATION

Agency Content

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Aviation Support Unit pilots may only operate Unit aircraft in which they are qualified and current for that type of aircraft.

For each aircraft type every pilot shall have a currency ride every six months. During the first six months of the calendar year, each pilot shall receive a currency ride meeting the requirements of a flight review. Flight instructors shall endorse the pilot's logbook recording the satisfactory renewal of the flight review. The second currency ride during the following six-month period shall focus on mission skills, demonstrated in a flight proficiency check.

Between currencies, it shall be the responsibility of each pilot to maintain FAA currency, including recent flight experience, i.e., FAR 61.57, in each model aircraft they are currently qualified. Each pilot shall update their flight time flown outside the scope of departmental employment in January and July of each year. Flight time logged in departmental aircraft shall be logged daily. Aviation Support Unit pilots shall maintain individual flight logbooks to verify accuracy.

On all dual instruction flights, the flight instructor is in command of the aircraft. Student pilots will not attempt to initiate maneuvers other than those specified by the instructor, unless the instructor has been advised and authorizes the maneuver. The instructor will normally advise the student on which maneuver to accomplish, when to do it, and when to cease the activity. Flight instructors must be alert to increasing risk and take corrective action before the maneuver is unrecoverable.

Each pilot operating any department aircraft shall maintain a minimum qualification of a commercial pilot airplane certificate and an airplane instrument rating. It is the responsibility of the fixed wing pilot to remain instrument current as per FAR 61.57 (c) as well as comply with FAR 61.56 (Flight Review). Each pilot must successfully complete annual recurrent training, including a biannual flight review. Each pilot must hold a current class III level or higher medical certificate.

In the event that a pilot becomes out of certification, it will be the responsibility of the pilot to immediately notify the ASU Lieutenant of the pilot's certification status, the reason for the non-certification and the steps to be taken for the pilot to be recertified. The pilot shall also advise the ASU Lieutenant of the approximate time frame it should take for the re-certification process to be completed.

A pilot who becomes out of FAA certification will at no time operate Department aircraft until such time the pilot regains current certification and the certification status is confirmed by the ASU Lieutenant, ASU Captain or in their absence, the Assistant Sheriff or Undersheriff or other Command Staff designated by the A/S or U/S to confirm the pilot's license status.

309.5.1 FIXED WING REQUIREMENTS

Agency Content

Each pilot operating any department aircraft must have logged 500 hours PIC in a fixed wing aircraft, unless accompanied by an authorized fixed wing Certified Flight Instructor or any other pilot authorized by the Division Captain or ASU Lieutenant for purposes of training.

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309.5.2 TACTICAL FLIGHT OFFICER TRAINING AND STANDARDS

Agency Content

All deputies newly assigned to the Aviation Support Unit as Tactical Flight Officers shall participate in the Flight Officer Training Program. Prior to the start of training, newly assigned deputies shall receive an orientation to the Aviation Support Unit. This orientation shall be conducted by the Unit Sergeant regarding familiarization with desk operations, unit policies, procedures. The deputy will also be briefed as to what will be expected of them while undergoing Flight Officer training.

Successful completion of Flight Officer training is a requirement for continued assignment to the Aviation Support Unit.

Flight Officers shall be required to demonstrate the ability to land the aircraft in the event the pilot is incapacitated.

309.5.3 UNIFORMS AND SAFETY EQUIPMENT

Agency Content

All Aviation Support Unit Pilots and Tactical Flight Officers shall wear authorized uniforms and sworn personnel shall have their badge and duty weapon and equipment available at all times.

309.5.4 ON DUTY FLIGHT UNIFORM

Agency Content

Each permanently assigned ASU flight crewmember shall wear a complete uniform while on flight duty. This uniform shall consist of:

- Department approved 511 pants and authorized shirt with departmental patches and an embossed leather tag over the left pocket. The leather tag shall be brown in color with a Velcro backing. It shall be embossed with TCSO approved gold wings with a six point star above the personnel's first initial and last name. Under the personnel's name will be their position (ie: Pilot, Tactical Flight Officer or rank, etc.)
- Authorized boots, leather or leather/nylon combination, black in color, clean and polished.

309.5.5 ON DUTY NON-FLIGHT UNIFORM

Agency Content

When not flying a mission or preparing for a flight, all Aviation Support Unit personnel may wear the Department approved dress.

309.5.6 OVER WATER EQUIPMENT

Agency Content

In addition to the above requirements, all flights over water, for an extended period of time, require the use of water survival equipment, specifically an individual life vest for each crew member.

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309.5.7 PILOT/CREW REST STANDARDS

Agency Content

All Aviation Support Unit pilots and tactical flight officers shall adhere to the following crew rest standards. Under exigent circumstances, the Unit Lieutenant may amend these standards on a case-by-case evaluation:

Time Period	Maximum Flight Time	Maximum Duty Time
In a 24 hour period	8 hours	14 hours
In a 48 hour period	14 hours	28 hours
In a 72 hour period	22 hours	46 hours
In a 5 day period	36 hours	74 hours
In a 30 day period	120 hours	272 hours

309.5.8 FLIGHT HOUR LIMITATIONS AND POLICY FOR SINGLE PILOT OPERATIONS / FLIGHT PERIODS AND RECALLS

Agency Content

Under normal circumstances, the maximum amount of flight time permitted during the course of an eight or ten-hour duty day is six hours and seven hours respectively. If the duty day is extended up to a maximum of 14 hours, the maximum amount of flight time is eight hours. The Unit Lieutenant is authorized to approve extension of the duty day and flying hours up to the amounts mentioned above. However, further extensions beyond the eight flying hours and 14 duty hours and/or limits imposed in the pilot/crew rest standards require approval from the Unit Lieutenant. The limiting factor shall be whichever condition occurs first, flight time or duty time.

The following additional flying and duty hour limitations are established to allow mission accomplishment while ensuring that pilots will not be over-extended or fatigued:

- After working a double shift (16 or 20 hours), a pilot will not return to duty sooner than 8 hours following completion of that shift.
- If working a schedule of 10 straight days, pilots shall be limited to a total of 48 hours flight time during that period.
- Each pilot will be limited to 1,500 hours flight hours per year for on-duty flying.
- Each pilot will be responsible for tracking their flight time and notifying the Unit Sergeant of any mission assignments that would exceed these guidelines.
- Any extensions will be authorized at the discretion of the Unit Lieutenant.

Note: For purposes of this section, flight time is the normal Hobbs time.

PILOT FLIGHT HOURS PER SHIFT:

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Patrol pilots are expected to use discretion and good judgement when determining the number of flying hours flown during a normal eight or ten-hour patrol shift. Although several factors may impact the total number of hours flown during any given shift, patrol pilots are restricted from flying more than six-hours in an eight-hour patrol shift and not more than seven hours in a ten-hour shift. To this end, flight times beyond 5.5 and 6.5 hours respectively shall be discouraged, unless the remainder of the flight, up to a total of six or seven-hours, is being flown to the home station.

FLIGHT PERIODS:

Ideally, a patrol shift shall consist of at least two flight periods. Flight periods should be adjusted to achieve a total of five hours air time in an eight-hour shift and six hours air time in a ten-hour shift. Adjustments to this policy are permitted to meet endurance requirements of the respective aircraft. Weather, aircraft availability, and crew endurance may impact this scheduling model. Patrol assignments, start times, and relief times should be established based on these criteria.

RECALLS:

Crews on break are subject to immediate recall for flight if an emergency occurs. Therefore, it is the responsibility of the crew to have constant communication availability with the Watch Commander and/or Communications Center.

309.5.9 MEDICAL CERTIFICATES

Agency Content

All pilots shall obtain a Class II flight physical annually, administered by an FAA recognized flight surgeon. Pilots shall coordinate their own appointments for physicals with a flight surgeon of their choice. Class II flight physicals expire on the last day of the month the previous physical was taken. Pilots who allow their physicals to expire shall be grounded until the physical is renewed and may be subject to disciplinary action if it is determined that the physical expired due to negligence on the part of the pilot. Once the physical is obtained, a copy of the medical certificate shall be submitted to the Unit Lieutenant. If a pilot is unable to attend a scheduled flight physical, they shall notify the Unit Lieutenant in advance. The Sheriff's Office pays for ASU pilot's flight physical.

309.5.10 MEDICAL DEFICIENCIES

Agency Content

No pilot may operate any ASU assigned aircraft with a known medical deficiency not previously approved for flight by an FAA approved Doctor, or an increase of a known medical deficiency has occurred that would make him/her unable to meet the required medical certification.

309.5.11 BLOOD DONATIONS OR LOSS OF BLOOD

Agency Content

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Aircrew members will be restricted from flying duty for a period of 72 hours after donation of blood. Any severe loss of blood by an air crewmember will require clearance by the attending physician before resuming flight status.

309.5.12 CREW CHECK FOLLOWING ACCIDENTS

Agency Content

If an air crew member is involved in an accident or any other "aircraft mishap" of unusual circumstances, the Unit Lieutenant shall evaluate the circumstances and make a recommendation whether the crew member should complete a flight physical prior to resuming flight duty.

A pilot shall perform a check ride with a CFI and have Unit Lieutenant approval before resuming P.I.C. responsibilities after being involved in an aircraft accident, or any other "aircraft incident" of unusual circumstances.

309.5.13 DRUG USAGE

Agency Content

The use of any illicit drug by any ASU assigned personnel is prohibited. No person may act as a crewmember of any ASU assigned aircraft while using any drug that affects the person's faculties.

Any ASU member who is using any prescription medication will report the use to the ASU Lieutenant prior to any duty assignment.

No substance as depicted in FAR 91.19 (a) shall be carried aboard any ASU assigned aircraft except as allowed pursuant to paragraph (b) of this same section.

309.5.14 LIMITATIONS ON ALCOHOL USE

Agency Content

No assigned personnel may consume any alcoholic beverages on duty. Alcoholic beverages will not be allowed on any ASU assigned aircraft.

No person may act as a crew member of an ASU assigned aircraft:

- Within eight (8) hours after the consumption of any alcoholic beverage.
- While under the influence or residual effects of alcohol.

Except in an emergency, no person who appears to be intoxicated or who demonstrates by manner or physical indication that the individual is under the influence of alcohol or drugs (except a medical patient under proper care) shall be allowed to be carried aboard an ASU assigned aircraft.

309.6 MAINTENANCE

Agency Content

Aircraft utilized in ASU operations will be maintained under the annual inspection requirements of the Federal Aviation Regulations and the manufacturer's approved inspection program in accordance with FAR 91.409 (e) and (f) (3). The appropriate manufacturer's service manual and directives will be utilized on all inspections and maintenance performed, in addition to

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Airworthiness Directives, type data sheets and FARs. The PIC shall ensure that aircraft inspection requirements are met and check that proper endorsements are made in the aircraft log books. They shall also record corrective action taken on mechanical and Avionics discrepancies on the forms provided in the aircraft log book.

309.6.1 AUTHORIZED MAINTENANCE PERSONNEL

Agency Content

Only persons authorized under FAR 43.3 will be authorized to perform maintenance on aircraft utilized in ASU operations. Non certificated personnel will not perform maintenance on any ASU assigned aircraft unless a certificated mechanic has been assigned to supervise the work and is physically present for consultation and to observe the work being accomplished.

Authorized maintenance personnel are those specifically hired by the Tulare County Sheriff's Office to maintain Department aircraft or those from the private sector who are dispatched to do so under a contractual agreement.

309.6.2 MECHANICAL DISCREPANCIES

Agency Content

Each ASU assigned aircraft will have "Maintenance Flight Log" forms kept in the respective aircraft. All discrepancies noted during pre flight, in flight or post flight shall be entered in the log. It is the responsibility of the PIC to enter all discrepancies for the information of other pilots and action as required by maintenance personnel.

Mechanical discrepancies encountered in flight will be recorded on a "Maintenance Flight Log" form by the PIC as soon as possible after termination of the flight. After recording any discrepancies, the PIC will turn the sheet over to maintenance personnel for repairs to be made and keep a copy in the logbook inside the aircraft. When repairs have been completed, the maintenance personnel will make the proper comments regarding service/repairs performed on the sheet in the aircraft. Every month the sheet will be removed from the aircraft and filed with the records for that aircraft.

It will be the pilot's decision to continue the flight to its intended destination or land as soon as possible when mechanical problems are encountered. No flight will be continued when a discrepancy renders required equipment inoperative. No flight will be made until discrepancies noted on the pre-flight inspection are corrected.

No flight will be made without the previous flight discrepancies having been corrected or deferred using the appropriate procedures, recorded, and approved for service by the proper maintenance personnel.

309.6.3 REPLACEMENT PARTS

Agency Content

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All replacement parts, components or accessories installed on ASU assigned aircraft shall have a record of condition that shall become a part of the aircraft's permanent records. Those that have time in service since new or overhaul shall have a documented history of operation and will be functionally checked and inspected by an appropriately certificated person prior to the installation.

309.6.4 RETURN TO SERVICE REQUIREMENTS

Agency Content

Pursuant to FAR 91.407: No ASU assigned aircraft shall take off after it has undergone preventative maintenance, rebuilding or alteration unless it has been approved for return to service by a mechanic authorized under FAR 43.7 and the appropriate maintenance record entry as required has been made.

After an ASU aircraft has undergone any maintenance, rebuilding or alteration that appreciably changes its flight characteristics or substantially affects its operation in flight, and a flight test is required, the test flight shall only be allowed with the PIC, (and mechanic if necessary) on board the aircraft. No passengers are allowed on such a flight. Upon completion of the operational check the pilot shall log the flight in the aircraft records and a return to service check sheet filled out and entered into the maintenance history log.

309.6.5 REPAIR/REPLACEMENT OF INOPERATIVE EQUIPMENT

Agency Content

Any inoperative instrument or item of equipment, permitted to be inoperative by FAR 91.213 (d)(2) shall be repaired, replaced, removed, overhauled, or inspected at the next required inspection.

When a discrepancy is noted that includes inoperative instruments or equipment (permitted to be inoperative by FAR 91.213 (d) (2)), ASU personnel shall ensure that a placard has been installed as required by FAR 43.11. The PIC shall ensure the required placard is installed before flight.

309.6.6 MAINTENANCE RECORDS

Agency Content

Any maintenance performed by outside vendors, contractors, or repair facilities shall be properly documented in the maintenance records in accordance with FAR 43.11, for that aircraft.

Each Aircraft logbook will be kept current. In addition, maintenance personnel shall maintain a work order of each maintenance procedure, repair or alteration done on Department aircraft. The work order shall contain aircraft and engine times, the discrepancy and correction or work done and whether the work was scheduled or unscheduled.

309.7 GROUND OPERATIONS - AIRCRAFT REFUELING

Agency Content

The following guidelines will be followed when ASU aircraft are refueled:

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- The PIC is responsible for ensuring the aircraft is properly fueled. A crew member will conduct the fueling of the aircraft only with the explicit direction and supervision of the PIC.
- The static ground cable shall be properly attached to the aircraft prior to the fuel nozzle contacting the fuel tank opening and shall remain attached until the fueling process is completed.
- Fueling will always be conducted with the aircraft engine fully off.
- No smoking will be permitted within one hundred (100) feet of the area where fueling is taking place.
- Passengers and other non essential personnel will be removed from the fueling area during aircraft fueling.
- The refueling vehicle or apparatus shall be verified for the correct fuel type and any apparent contamination.
- When fueling from the Department fuel truck the operator will fill out the truck fuel log and the aircraft fuel log.
- During the actual refueling operation, all electrical switches will be turned off.
- Extreme caution should be used in fueling during electrical storms. Operations should be suspended during severe storms or when they are located in the immediate vicinity of the fueling operation.
- Vapor Travel: Fuel vapors are heavier than air and tend to settle and spread around the aircraft. It should be remembered that the amount of fuel pumped into the aircraft displaces an equal amount of vapor from the tank, which could be dangerously explosive. This danger is increased by fuel spills. Therefore;
- Fuel only in the open air.
- Stop fueling if any hazard becomes apparent.
- Report any substantial spills immediately and ensure proper action has been taken to reduce the hazard (i.e. wash down or sand down the area after fuel spills).

309.7.1 AIRCRAFT SECURITY

Agency Content

No smoking shall be permitted while on board, nor within fifty (50) feet of an ASU assigned aircraft.

309.8 GENERAL AIRCRAFT PROCEDURES

Agency Content

PRE-FLIGHT INSPECTION

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Pilots shall conduct a manufacturer's recommended pre-flight inspection in accordance with the appropriate aircraft operator's manual prior to the first flight of the day in each aircraft flown. This shall include a thorough review of the aircraft maintenance records in the log book. Pilots shall conduct flight operations by utilizing appropriate aircraft start, pre-takeoff, en route, landing, shut-down, and post-flight checklists. When two pilots are assigned to the same flight mission, the co-pilot shall share the responsibility for ensuring that proper procedures are observed.

Pilots shall ensure that the interior and the exterior of their assigned aircraft is maintained in a clean and uncluttered manner, with special attention paid to trash, accumulated dirt and grime, and unsecured items inside the aircraft capable of interfering with the aircraft's operation. Pilots shall ensure that the proper number of headsets are available in the aircraft and in good repair.

Pilots shall record all mechanical and Avionics discrepancies on the forms provided in the aircraft log book. Pilots shall determine that required inspections have been met. If inspections are overdue or mechanical discrepancies have not been corrected, the Unit Lieutenant shall be notified.

All pre flight inspections shall include, but are not limited to:

- General walk around visual inspection in accordance with manufactures' recommendations.
 - Airworthiness of the aircraft.
 - Aircraft is properly fueled.
 - Aircraft is properly loaded.
 - Aircraft has received the required inspections and the planned flight will not exceed any flight time limitations necessary to comply with required inspections, airworthiness directives, service, or other mandatory procedures.
 - Inspection of applicable fluid levels.
 - Draining of appropriate fuel sumps.
 - Thorough inspection of fuselage for damage.
 - Inspection of all aircraft lights.
 - General inspection of power plant and propellers.
 - In the event of severe aircraft maintenance problems, or discovery that the aircraft is not airworthy, the P.I.C. shall immediately ground the aircraft and notify the ASU Lieutenant.
- Pilots shall complete the following procedures and forms either during or at the conclusion of each flight mission:
- Aviation Support Unit Maintenance Flight Log.
 - Pre and Post flight inspection.

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- Aircraft refueling logs.

309.8.1 OUT-OF-COUNTY FLIGHTS

Agency Content

Department aircraft shall not be flown outside of Tulare County without the prior approval of the Unit Lieutenant or the Watch Commander. Periodic telephone notifications to the Aviation Support Unit Lieutenant or Watch Commander shall be made to advise of the flight's progress and any changes in the itinerary. Upon destination arrival and completion of the mission, the Watch Commander or ASU Lieutenant shall be notified that the flight has been safely completed.

309.8.2 POST-FLIGHT INSPECTION

Agency Content

A cursory inspection of the aircraft by the PIC and/or TFO shall be made after each flight.

309.8.3 PRE-FLIGHT PREPARATIONS

Agency Content

The PIC shall comply with FAR 91.103 regarding weather briefings, notices to airmen (NOTAMS) and other available information concerning the flight. Other Pre flight preparations shall include, but are not limited to:

- Weather briefing for the area of intended operations.
- Review of flight plan, including: route, airports of intended use, etc.
- Review of missions assigned for the shift, including special equipment needs, fuel locations, and target locations related to the mission including maps and/or photographs.
- Checking that all required credentials and maps, required aircraft manuals, documents and other ASU paperwork is aboard the aircraft. This shall include but is not limited to:
 - Aircraft Flight Manual
 - Aircraft Checklist
 - Minimum Equipment List (if required)
 - Maps & Aeronautical Charts.
- Ensuring only authorized persons are allowed on board the aircraft.

The PIC will assure the aircraft is equipped for the proposed flight, maintenance discrepancies noted and corrected, (as appropriate) and inspections current.

Pilots will also insure that the aircraft has operable equipment and instruments for IFR or VFR day or night flight, as applicable, as required by FAR 91.205 (b) or (c).

309.8.4 LOADING PROCEDURES

Agency Content

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The load on seats or floor structure will not exceed the load limitation for those compartments, and will not restrict any passageway or emergency exit. All cargo carried will be secured sufficiently to prevent shifting during normal and emergency flight and ground operations

309.8.5 WEIGHT AND BALANCE DETERMINATION

Agency Content

The aircraft will be loaded using the following procedures:

- The basic operating weight of the aircraft will be utilized for all normal operations. This includes the empty weight, fuel and oil, pilot, tactical flight officer, and all electronic and avionics equipment such as the FLIR, mapping and lighting systems.
- Any changes to the basic operating weight will be accounted for by the PIC before flight departure. The PIC will ensure the new CG weight and balance is within specifications as established by the aircraft manufacturer.
- Under no circumstances shall the maximum gross weight for the aircraft be exceeded.

309.8.6 BASIC VFR WEATHER MINIMUMS

Agency Content

Basic VFR weather minimums for operations in controlled airspace shall conform to those minimums outlined in FAR 91.115 and 91.157. VFR flight in uncontrolled airspace shall be conducted at the discretion of the PIC with the following weather minimums. In situations of life and death consequences, minimums can be waived at the discretion of the flight crew and with approval by the Unit Lieutenant.

DAY

TYPE OF FLIGHT	CEILING	VISIBILITY
Patrol	1000	3 miles
Surveillance	1000	3 miles
SAR-Flat Terrain	Clear of Clouds	3 miles
SAR-Mountains	1000	3 miles

NIGHT

TYPE OF FLIGHT	CEILING	VISIBILITY
Patrol	1000	3 miles
Surveillance	1000	3 miles

Wind restrictions shall be in accordance with the applicable aircraft's operating limitations as stated in the operator's manual for that aircraft.

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309.8.7 INADVERTENT INSTRUMENT METEOROLOGICAL CONDITIONS (IMC) RECOVERY PROCEDURES

Agency Content

Unauthorized flight into instrument meteorological conditions is prohibited. Every attempt shall be made to avoid meteorological conditions which may result in inadvertent cloud penetration or loss of ground reference due to low ceiling, fog or "over-the-top" conditions if the pilot and/or aircraft is not qualified or equipped for flight under instrument flight rules in instrument meteorological conditions. Therefore, it is incumbent on the PIC to closely monitor weather conditions at their point of departure, area of operation and destination to avoid inadvertent IMC conditions.

309.8.8 INSTRUMENT FLIGHT RULES (IFR)

Agency Content

Pilots must meet FAR 61.57(e) instrument currency requirements when operating properly equipped aircraft.

309.8.9 INSTRUMENT DEPARTURE MINIMUMS

Agency Content

- FAA instrument approach minimums prevail for the approach in use at the departure airport, if departing from an instrument airport.
- FAA instrument approach minimums prevail at an adjacent instrument airport, if the departure airport is not an instrument airport and the adjacent instrument airport is within five miles.
- A ceiling of at least 1,000 feet and visibility of at least three-miles, if the departure point is not an instrument airport and there is not an adjacent instrument airport within five miles.

309.8.10 INSTRUMENT APPROACH MINIMUMS

Agency Content

- Prior to beginning the final approach segment of an instrument approach procedure, reported weather conditions must be at or above the authorized IFR landing minimums for that approach.
- If weather conditions are reported below landing minimums, after commencing the final segment of the approach, pilots shall discontinue the descent and execute the missed approach procedure, upon reaching the missed approach point.
- In the event of unreported weather conditions, the AGL published Decision Height shall be increased by 100 percent (doubled).
- The above minimums shall not apply to training flights conducted with the unit-training

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pilot, appropriate pilot, or their designee. Approach minimums for training flights may be conducted in accordance with FAR 91.175(a) through (d).

309.8.11 WARNING AND CAUTION LIGHTS

Agency Content

When an aircraft warning or caution light illuminates during ground or flight operations, the pilot shall observe the aircraft manufacturer's operating procedures completely. As soon as practical the pilot shall notify maintenance personnel through the prescribed methods and ground the aircraft until the problem is resolved.

309.9 AIRCRAFT EQUIPMENT

Agency Content

Departmental aircraft must have equipment installed and operable, which meets or exceeds FAR 91.205 for applicable operations.

309.9.1 DURING ALL OPERATIONS

Agency Content

- First Aid Kit: At least one complete first aid kit shall be carried in each aircraft.
- Fire Extinguisher: Each aircraft shall be equipped with an operable halon type fire extinguisher. The fire extinguisher shall be readily available during engine starts, and during all flights, and shall be securely mounted to avoid interference with flight controls.

309.9.2 VISUAL FLIGHT RULE (VFR) DAY

Agency Content

Equipment required in accordance with FAR 91.205 including, but not limited to:

- Airspeed indicator.
- Barometric altimeter.
- Engine tachometer.
- Engine oil pressure gauge.
- Engine oil temperature gauge.
- Caution lights.
- Manifold pressure.
- Fuel quantity gauges.
- Seatbelts.
- VHF communications radio.
- Magnetic compass.
- Transponder with Mode C.

309.9.3 VISUAL FLIGHT RULES (VFR) NIGHT

Agency Content

All of the above and:

- Position lights.

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- Anti-collision light.
- Landing light.
- Instrument panel lighting.
- Attitude indicator.
- Directional gyro.
- Turn and slip indicator.
- Flashlight.

309.9.4 INSTRUMENT FLIGHT RULES (IFR)

Agency Content

All of the above and:

- Navigation equipment appropriate to the ground facilities to be used.
- Clock.
- Pitot static system with current certification.
- Current VOR check.

309.9.5 FORWARD LOOKING INFRARED (FLIR) SYSTEM

Agency Content

FLIR Units shall be operated by Aviation Support Unit trained and authorized personnel only.

309.10 PASSENGER RIDE-ALONG

Agency Content

RIDE ALONG MINIMUM STANDARDS FOR APPROVAL:

Individuals meeting the department Ride Along standards and the following minimum standards may be approved by the Department for a ride-along in aircraft assigned to the ASU:

- Sworn law enforcement personnel of the Tulare County Sheriff's Office or other law enforcement agencies.
- Orientation flights for non sworn employees of the Department.
- All others will require specific, individual approval by the Division Captain.
- The ASU Lieutenant may approve ride-a-longs in the extended absence of the Captain.

309.10.1 UNAUTHORIZED PASSENGERS

Agency Content

No unauthorized passengers shall be permitted in an aircraft assigned to the ASU. An unauthorized passenger is any person who is not assigned to the ASU, fulfilling a role as a "tactical passenger," or who does not have prior written approval.

309.10.2 PASSENGER FIREARMS / CHEMICAL AGENTS

Agency Content

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The only person or persons allowed to carry firearms or weapons aboard ASU assigned aircraft are those who are authorized by a City, County, State or Federal Government to carry such weapons. The PIC will verify the credentials of all passengers carrying weapons aboard ASU aircraft.

- Aerosol canisters of chemical agents shall not be carried aboard ASU assigned aircraft.

309.10.3 RIDE ALONG PROCEDURES

Agency Content

Unless absolutely necessary to complete the mission, passengers shall not occupy the normal duty station of a crewmember. Whenever possible, rides shall be scheduled subject to the following procedure:

- Sworn members of the Tulare County Sheriff's Office and other law enforcement agencies may accompany an Aviation Support Unit flight crew for the purpose of observing flight operations. Sworn personnel are reminded to refrain from engaging in any activities that would otherwise be compensable under their current employers.
- Requests for "on-duty" rides shall be submitted to the employee's Unit Lieutenant for approval.
- Upon approval, the request will be forwarded to the Unit Lieutenant for scheduling. Operational and tactical considerations will take precedence.
- In aircraft with more than two seats, flight personnel will perform routine patrol functions during the ride along unless otherwise directed by the Unit Lieutenant.
- All other ride-along requests meeting the minimum standards or approval of Section 8.1.00 shall be referred to their respective Unit Lieutenant.

309.10.4 PASSENGER ORIENTATION BRIEFINGS

Agency Content

The PIC shall be responsible for ensuring that passengers are briefed, prior to boarding, regarding appropriate conduct while on board. In addition, passengers shall be briefed on the following items:

- Carriage instructions regarding hazardous materials, weapons, or other instruments that could effect flight safety. Personnel boarding with rifles or shotguns shall approach with muzzles pointed downward and held below shoulder level, and shall not have any ammunition in the chamber.
- Location of emergency equipment.
- Use of seat belts. Seat belts will be checked to ensure they are properly adjusted and secure.
- Passengers will be advised of the prohibition on smoking.

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- Location and means for operating emergency and normal exits.
- All doors will be checked to ensure they are properly closed and locked.
- Assistance with headsets should be provided as necessary.
- All non-crew member passengers shall be escorted to the aircraft and assisted in boarding by a crewmember.

309.11 FLIGHT OPERATIONS

Agency Content

DEPLOYMENT OF DEPARTMENTAL AIRCRAFT:

As a general rule, Sheriff's Department aircraft shall be used in conjunction with Sheriff's Department law enforcement functions and responsibilities within Tulare County. The activities may include, but not be limited to support of ground based personnel, search and rescue, surveillance, personnel transportation, and flight training. In all cases, Department aircraft shall be flown in compliance with FAR Part 91. Flight crew members shall evaluate all flight missions, keeping in mind all safety considerations, aircraft and crew abilities and limitations, necessity of the mission and emergency of the situation. The mission will be attempted only after agreement of the entire flight crew. The assigned pilot shall be responsible for evaluating the flight and to abort the flight if it cannot be accomplished within established safety procedures.

309.11.1 PILOT IN COMMAND AUTHORITY

Agency Content

As set forth in FAR 91.3, the Pilot in Command of an aircraft is directly responsible for, and is the final authority as to the operation of that aircraft. The PIC shall, during flight, be in command of the aircraft and shall be responsible for the safety of the passengers, cargo and the aircraft. The PIC shall have full control and authority, without limitations.

All other crew members or passengers on board, regardless of rank, title, or position shall comply with all instructions given by the PIC while on board the aircraft, whether in flight or while on the ground.

The PIC shall have the authority and responsibility to supersede any order or directive given to him in the course of his/her duties from any person of higher rank or dispatcher, if such order or directive is deemed to be contrary to the safe operation of the aircraft for any reason.

Should a conflict arise between the PIC and any person of higher rank or dispatcher because they deviated from such an order or directive, the PIC shall notify the Unit Sergeant as soon as

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possible. In addition, the PIC shall prepare and submit a written report, describing the incident, if so requested.

309.11.2 FLIGHT CREW WORK SCHEDULE

Agency Content

Each flight crew assigned to the ASU will be assigned to a particular shift (i.e. day, night or relief shift) and will work those shifts as assigned. Flight crews may be assigned shifts on a rotation basis. Crews will be assigned to a shift that will be most beneficial to ASU operations.

309.11.3 FLIGHT CREW HOLDOVER / CALL-OUT

Agency Content

Flight crews may be held over for additional flight time provided such holdover does not constitute a safety hazard.

The Unit Lieutenant will be responsible for determining if a flight crew will be held over or if an off duty crew should be called out. If the Lieutenant is unavailable, the PSD Captain will make the determination.

In the event a crew is needed for an assist to ground units, SAR, or mutual aid assist to another agency and no crew is on duty, the call out must first be approved by the ASU Lieutenant. As much information on details of the mission, special equipment needed, location identified by longitude and latitude if possible, or land marks, weather conditions at the scene and the contact person's call sign or radio frequency shall be provided. The ASU Lieutenant will be notified to initiate the call out of a crew.

309.11.4 PILOT FATIGUE / STRESS

Agency Content

No pilot should attempt to operate an aircraft when, in his/her opinion, he/she is fatigued beyond safe limits. It is the pilot's responsibility to notify the ASU Lieutenant if they believe they are unfit for flight duty due to fatigue or stress.

Pilots may be required to undergo a flight physical before being returned to flight status if health factors warrant such action.

309.11.5 FLIGHT DURATION / FUEL RESERVES / AUTHORIZED LANDING LOCATIONS

Agency Content

Notwithstanding mechanical problems, flight crews shall go "in service", and assume routine air patrol responsibilities at the prescribed starting times as noted on their weekly schedules.

FUEL RESERVES:

Fuel requirements of FAR 91.151 and 91.167, as appropriate, must be met.

AUTHORIZED LANDING LOCATIONS:

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ASU assigned aircraft are authorized to land at the following locations:

- Any public use airport.
- Prior approval must be received for military or non-public use airports.
- Any area when death or serious injury is imminent.

309.11.6 PATROL PROCEDURES

Agency Content

The Aviation Support Unit's primary mission consists of providing airborne law enforcement support to Sheriff's Office ground units assigned to unincorporated areas and those jurisdictions within and adjacent to Tulare County. The Aviation Support Unit may provide air support for priority one situations to any agency requesting assistance through mutual aid. ASU resources will attempt to provide airborne assistance when requested within the confines of the Department's Air Support Policy and when resources permit.

It is also the mission of the ASU to patrol critical infrastructure as part of ongoing Homeland Security efforts. This includes coordination with ground units to investigate observed suspicious persons or vehicles, as well as the identification of additional potential critical infrastructure. Such activities shall be included in the daily activity log.

309.11.7 CONFLICTING REQUESTS FOR SERVICE / LAW ENFORCEMENT AND NON LAW ENFORCEMENT AGENCIES REQUEST FOR SERVICE

Agency Content

The ASU Lieutenant will be responsible for monitoring non-law enforcement activity service requests and have the authority to resolve conflicting requests, directing the air crews as necessary.

In the event that the Unit Lieutenant is unavailable, the Patrol Lieutenant has the authority to resolve any conflicts.

Once an air crew has arrived at a call, that call becomes the priority until such time that:

- Aviation Support Unit services are no longer needed.
- The Watch Commander or field lieutenant deems that another call has greater priority.
- The flight crew, following the call assignment priority guidelines, decides that another call has greater priority.

RESPONSE TO OTHER LAW ENFORCEMENT AGENCIES - REQUEST FOR SERVICE:

Air crews, when available and upon request, may provide air support to other law enforcement agencies within Tulare County. However, requests for service to an unincorporated area, or a contract city (of equal call priority) shall take precedence over other law enforcement requests.

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Vehicle pursuits or officer in trouble needing immediate assistance type calls in which air support is requested are exempt from the above section and air crews may respond to such calls without specific authorization. The on duty Watch Commander during such responses shall be notified as soon as possible.

NON-LAW ENFORCEMENT ACTIVITY REQUESTS:

Requests for such services shall be made in advance to the Unit Lieutenant.

309.11.8 COMMUNICATIONS

Agency Content

Aircraft Call Signs: Communications between crew members and TCSO facilities or ground units shall comply with the Communications Dispatch Operations policy. Crew members shall use the call signs as designated.

309.11.9 AIRCRAFT STATUS AND OUT OF SERVICE PROCEDURES

Agency Content

- Prior to the first flight of each shift, TCSO dispatch shall be notified by telephone of the crew members, passengers, and the projected area and hours of operation for all prearranged missions. Narcotics investigations are exempt from this provided the ASU Lieutenant has approved the mission, and dispatch has been notified they are on a special detail. The Dispatch Center shall be advised where the crewmembers can be reached when not airborne and not able to monitor their radios. The Watch Commander shall be provided the off-duty call-out procedure to be used.
- Upon becoming airborne, a crew member shall notify TCSO dispatch of their status. The projected area and hours of operation shall be included unless previously given by telephone.
- When possible, the crew shall advise the Dispatch Center upon entering and/or leaving each geographical dispatch area (North County on CH 2, South County on CH 1).

OUT OF SERVICE PROCEDURES

At the end of each flight the crew shall advise the Dispatch Center that they are out-of-service.

Air crews who have landed and are on their breaks shall remain available for emergency calls. Aircrews will be available via radio or telephone when not in flight.

Priority 1 calls should be considered emergency calls.

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309.11.10 RADIO MONITORING / ANSWERING CALLS FOR SERVICE

Agency Content

- While in flight, air crews should monitor the appropriate frequencies for geographic locations they are patrolling.
- When a request for air support services is received via the radio, the aircrew will advise of their availability and respond depending on the call priority. Communications shall enter the aircraft info into the CAD system, similar to entries for patrol ground units, i.e. "Sheriff One, at scene or available".

309.11.11 EMERGENCY COMMUNICATIONS TO DISPATCH AND ALLIED AGENCIES

Agency Content

EMERGENCY COMMUNICATIONS TO DISPATCH CENTER:

Forced Landing (Emergency): A forced or emergency landing is normally involuntary and may be a result of a major mechanical malfunction, or crew member incapacitation affecting continued flight safety. Under these circumstances a crew member will normally transmit "Mayday, Mayday" and provide the aircraft location. Dispatch personnel shall:

- Determine location of aircraft.
- Unless otherwise advised by a crew member, they shall dispatch fire, ambulance, a lieutenant, ground units, and if appropriate, other departmental aircraft.
- Notify the ASU Sergeant, ASU Lieutenant and PSD Captain.

EMERGENCY COMMUNICATIONS TO ALLIED AGENCIES:

ASU shall coordinate with allied agencies to ensure that their personnel have been informed of the above terminology and instructed to immediately notify TCSO Dispatch upon receiving an emergency communication. Upon notification, TCSO Dispatch is responsible for initiating the appropriate procedures outlined above.

309.11.12 WEAPONS/SHOOTING FROM AIRCRAFT / TEAR GAS DEPLOYMENT

Agency Content

- No firearms may be discharged from ASU aircraft.
- A Taser in drive-stun mode may be used by ACU personnel to subdue an in-custody passenger when such use conforms to Department Taser policy.

TEAR GAS DEPLOYMENT:

Tear Gas (CN, OC, or CS) shall not be deployed from a Department aircraft. Gas containers and related dispensing equipment may be carried as cargo when the pilot has determined that the containers are properly sealed and safe to transport.

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309.11.13 PATROL ALTITUDES / SUPPLEMENTAL OXYGEN USAGE/ AIRCRAFT SPEED / PROHIBITED FLIGHT MANUVERS

Agency Content

PATROL ALTITUDES:

The following are recommended altitudes which support the Unit's effort to minimize aircraft noise and maximize flight and operational safety:

- 1000 feet AGL responding to calls and urban areas.
- 1000 feet AGL standard patrol altitudes.
- 1000 feet AGL for rural unpopulated areas.

ASU aircraft shall attempt to minimize noise over populated areas. This includes maintaining higher altitudes when not actively engaged in support of ground units.

Flight crews are responsible for safe operations at all altitudes, which includes a well-coordinated decision-making risk assessment process.

The forgoing policy does not prohibit the PIC from operating the aircraft below these altitudes in an emergency situation provided the aircraft is operated at a height sufficient to allow an emergency landing without undue hazard to persons or property on the surface if a power unit fails.

MAXIMUM FLIGHT ALTITUDE:

Operate per approved manufacture's airplane flight manual and FAA regulation; FAR 91.211

SUPPLEMENTAL OXYGEN USAGE:

All crewmembers of non-pressurized departmental aircraft shall utilize supplemental oxygen at a recommended flow rate of two liters per minute when flight operations are conducted as follows:

- Operations above 9,000 feet mean sea level (msl), supplemental oxygen is recommended.
- Operations above 11,000 feet msl, for more than 30 minutes, supplemental oxygen is required.
- Operations for any length of time above 13,000 feet msl, oxygen is required.

AIRCRAFT SPEED:

All aircraft will normally be flown at speeds approved in the POH.

PROHIBITED FLIGHT MANEUVERS:

No pilot may operate an assigned ASU aircraft in a careless or reckless manner so as to endanger the life or property of another. No pilot may allow any object to be dropped from an ASU assigned aircraft in flight that creates a hazard to persons or property. In addition, the following flight maneuvers are prohibited:

- Aerobatic flight.
- Careless or reckless maneuvers.
- Practice power off maneuvers.

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- Operating outside the flight limitations specified in the approved manufacturer's Flight Manual and POH.

309.11.14 PATROL AREA RESPONSIBILITY / CALL ASSIGNMENT PRIORITY / CALL RESPONSE SELECTION

Agency Content

PATROL AREA RESPONSIBILITY:

When an ASU aircraft is airborne, pilots are to concentrate their patrol efforts in areas under the Sheriff's control and respond to other cities when requested. When two or more aircraft are scheduled to fly at the same time, flight crews will maintain radio communications and position themselves as necessary to provide the quickest response to the majority of the jurisdictions patrolled by the ASU.

CALL ASSIGNMENT PRIORITY:

Aircrews should make every effort to respond to all requests for service. In the event that multiple or conflicting requests occur, air crews will respond to calls using the following priority criteria:

Priority 1 EMERGENCY Receive to Dispatch Time (QUE) must be three (3) minutes or less. Any situation which presents an immediate, imminent danger of bodily harm or death to some person. Any crime in progress, and any complaint type where a citizen has a suspect detained.

Priority 2 URGENT Receive to Dispatch Time (QUE) must be twenty (20) minutes or less. Any call which is not an emergency, in progress, or Priority 1, but requires response without undue delay.

Priority 3 NON-EMERGENCY Receive to Dispatch Time (QUE) can be up to 180 minutes. Calls where the investigation will not be enhanced by an immediate or undelayed response.

CALL RESPONSE SELECTION:

In determining priorities, air crews may consider all of the following:

- Type of call
- Location
- Weather
- Available fuel
- Surrounding air traffic
- Available equipment

309.11.15 VEHICLE AND FOOT PURSUITS

Agency Content

PURSUIT:

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The Aviation Support Unit's involvement in vehicle and foot pursuits shall be in accordance with existing Departmental pursuit policy and the Air Support policy.

VEHICLE PURSUITS:

ASU plays a major role as a "Safety Manager" in vehicle pursuits; therefore, it is predictable that our actions will be reviewed extensively, especially in those situations where there is an injury or death during the incident. The following Unit policy shall apply to all pursuits involving Sheriff's Air Units:

ASU is responsible to the Watch Commander, who has overall responsibility for the pursuit. If the air unit receives a directive that they believe cannot be responded to or completed without jeopardizing the control of the pursuit, they will so advise the Watch Commander. If the Watch Commander still directs that the action by the air unit be completed, then it shall be completed. This does not include directives that would jeopardize the safety of the aircraft or its crew.

ASU aircraft with the shortest response time to the pursuit shall respond and broadcast the status of the pursuit. Once over the pursuit, the air unit assumes radio broadcast responsibility for the pursuit. This responsibility will take effect after radio communication is clearly established between the air unit and the ground units, confirming transfer of the responsibility. This authority pertains to the immediate field operation and is, at all times, subordinate to the command of the field lieutenant or Watch Commander.

When calling the pursuit, ASU personnel should control their voice inflection and be clear and concise in their radio traffic. Required information to be broadcast by the air unit shall include the following:

- Location, estimated speed and direction of travel of the suspect vehicle.
- Traffic conditions.
- Any criminal act by the suspect that can be observed from the air, (e.g., vehicular Assaults, Assaults involving Deadly Weapons, disposal of evidence, etc.).
- The number of patrol units involved in the pursuit, and, if tactically possible, the roof top numbers of the primary unit and back-up units. Normally one primary unit and a maximum of two back-up units are permitted.

ASU flight crews shall not descend to an altitude below that which is prescribed as the minimum altitude for patrol flights. Positive communication between the pilots of both aircraft shall be established whenever more than one aircraft is involved in a pursuit of the same vehicle.

In the event another agency aircraft becomes involved in the pursuit, ASU shall initiate radio contact and confirm transfer of pursuit coverage to the other agency prior to departing from the pursuit. Should it become necessary for ASU to assume coverage of another agency's pursuit, positive radio communication and visual contact with the air unit and ground units shall occur prior to our involvement in the pursuit. In either incident, transfer of coverage shall be accomplished in

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the same manner as previously described and if necessary the ASU pilot will clearly state his/her intentions and his/her method of "breaking off" with the other pilot.

When the air unit advises other agencies, or has Dispatch notify other agencies of the pursuit traversing their jurisdiction, the air unit shall specifically advise if additional units are needed or not. If there are sufficient units already involved in the pursuit, the agency being informed shall be advised not to respond or get involved in the pursuit.

ASU personnel are reminded that their primary support mission is to enhance officer safety and to protect innocent citizens. This may best be accomplished during a pursuit by doing more than simply advising suspect location and direction of travel. ASU must limit the number of officers who would jeopardize themselves and others by unknowingly joining a pursuit when it was not needed.

In all situations wherein the pursuit becomes excessively dangerous because of speed or other factors, the air unit should request all ground units to drop off and discontinue their pursuit, allowing the air unit to track the suspect to ground. In such situations, the suspect shall be kept under surveillance by the air unit until they stop and leave the vehicle. At this time, ground units will be advised and a tactical containment may be initiated.

If a Watch Commander or field lieutenant orders the termination of a pursuit, the involved air unit shall discontinue further broadcasts of the pursued vehicle's location, but may request permission from the Watch Commander to continue tracking the vehicle's location and notify adjoining agencies of the once-pursued vehicle entering their jurisdiction. If permission to track the pursuit is not granted by the Watch Commander, ASU shall discontinue further attempts to track or surveil the pursued vehicle. Should the Watch Commander allow the air unit to continue monitoring, tracking or surveilling the pursued vehicle, the air unit shall maintain visual contact with the pursued vehicle, discontinuing pursuit style tactics. In no event shall the ASU begin rebroadcasting the location and direction of travel of the pursued vehicle without specific authorization from the Watch Commander. Once the suspect stops the vehicle for whatever reason, the air unit shall inform the patrol units in the concerned area as well as the Watch Commander. ASU shall coordinate assisting ground units to the suspect as required.

VEHICLE PURSUITS LEAVING THE COUNTY:

When it becomes apparent that a vehicle pursuit is about to leave the Tulare County area, aircrews will:

- Advise the Watch Commander of the pending situation, the departure from Tulare County and request authorization to continue.
- Radio to the jurisdiction about to be entered and request air or ground units from that jurisdiction take over the pursuit responsibilities.
- When a relief aircraft or ground unit is in position to take over the pursuit, ASU aircraft will relinquish control and return to Tulare County as soon as practical unless additional assistance is requested or if a Department ground unit is continuing in the pursuit.

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FOOT PURSUITS:

Foot pursuits require the immediate attention and involvement of ASU to ensure the safety of deputies on the ground. As in vehicle pursuits, ASU with the shortest response time shall respond to assist ground Units. The primary mission of the ASU, once on-scene, is to locate the suspect(s) and assist ground units in accounting for all deputies involved in the chase.

Although many foot pursuits and some vehicle pursuits develop into containments and subsequent searches, the life threatening nature of the pursuit is likely to remain until the suspect(s) is/are captured or the search is terminated. Therefore, it is appropriate for ASU to remain on-scene assisting ground unit in the search for outstanding felony suspects. The air unit shall remain over the concluded pursuit until confirmation is received that no further assistance is needed by the ground units and/or the Watch Commander.

309.11.16 AIRCRAFT PURSUITS

Agency Content

Aircraft suspected of FAR violations shall not be pursued in flight, however, an attempt should be made to obtain sufficient identifying information, location and nature of the violation to make telephonic notification to the FAA. If the violation is criminal, extremely hazardous or appears to be alcohol/drug related, an attempt to make personal contact to conduct an investigation may be warranted. Every attempt should be made to contact the involved pilot by radio, either directly or through ATC, advising the pilot of the observed violations and ordering the pilot to land at the nearest suitable airport. Failure on the part of the involved pilot to comply with lawful instructions shall be immediately reported to ATC. Following/pursuing the aircraft to assist in identification or effect enforcement action is authorized up to a distance of 50 miles into contiguous counties. In any event, following/pursuing suspected violations shall be reported immediately to the Watch Commander.

309.11.17 DEPLOYMENT OF AIR CREWS : CIVIL DISTURBANCES

Agency Content

In the event ASU is requested to provide support in response to a major civil disturbance, precautions shall be taken by the aircrews prior to entering the affected area. Of prime concern is the increased likelihood of being subjected to ground fire during a riotous situation as opposed to similar risks taken on a daily basis. Therefore, it is incumbent upon aircrews to be adequately prepared and properly briefed prior to taking action or entering the scene of a major disturbance.

Response to a major civil disturbance shall be tempered at best and not without considerable regard for the safety of the air crew and aircraft. Air crews are cautioned against immediately responding to a civil disturbance or riotous situation without adequate preparation. As soon as practical, ASU shall be directed to return to the ASU office where they shall receive a situational briefing and obtain additional equipment, i.e., stabilized binoculars, video camera, body armor.

The ASU Lieutenant shall obtain as much information as possible relative to the disturbance. At a minimum, the aircrew shall be briefed on the location of the disturbance, approximate number

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of persons involved, extent of criminal activity, handling unit (station) frequencies, and location of command post.

When responding to the affected area, patrol altitudes should be varied and somewhat higher than normal to reduce the vulnerability of the aircraft to ground fire, especially during daylight hours. During hours of darkness, minimal aircraft lighting should be used and the use of the searchlight should be restricted to officer safety only. Every attempt shall be made to use a FLIR, which will increase the aircrew's ability to monitor crowd activity under minimum lighting conditions.

It is strongly recommended that aircrews wear personal body armor when responding to civil disturbances.

Air crew safety is the greatest consideration when responding to a major disturbance. Prior planning, adequate preparation, crew coordination, and good common sense will assist greatly in reducing the risk associated with this type of mission.

309.11.18 OPERATIONS INVOLVING NEWS MEDIA HELICOPTERS

Agency Content

When encountering high visibility events involving the news media, Aviation Support Unit pilots shall attempt to do the following:

- If media aircraft are already on scene, ESTABLISH RADIO CONTACT before entering the area or operating in close proximity with any other aircraft.
- Aviation Support Unit pilots shall announce their arrival TWO NAUTICAL MILES from the scene, providing altitude and direction of travel. Pilots shall also state their intentions and request a 1000-foot separation.
- TURN ON LANDING LIGHTS TO INCREASE VISIBILITY when flying toward an event.

Likewise, news media pilots are expected to adhere and comply with the same standards and recommendations. When news media aircraft are observed operating without regard to these guidelines, ASU pilots shall document the incident by submitting a memo describing the event to the ASU Lieutenant. The ASU Lieutenant shall forward the memo to the Division Captain, via the Chain of Command.

If the scene poses a hazard to other aircraft, or their operation in the air space in and around the incident, the ASU pilot may request authorization from the Watch Commander to declare a temporary flight restriction in accordance with FAR 91.137.

309.11.19 MOUNTAIN SEARCH AND RESCUE OPERATIONS

Agency Content

Mountainous terrain is defined as land masses having vertical development rising to altitudes of at least 1,500 feet or greater above the surrounding flat terrain, and which have little or no population development.

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Areas within the boundaries of Tulare County meeting that definition are considered mountainous terrain.

During the hours of darkness, Aviation Support Unit pilots shall not conduct any operations in mountainous areas. Prohibited areas include those within the National Forest boundaries, and any area of the mountain ranges which are sparsely populated and/or otherwise unlighted by large concentrations of ground lighting, and where ground reference and/or reference to the horizon cannot be established.

The aircraft must be equipped with a terrain awareness warning system to alert the pilot of conflicts with high terrain.

All mountain search and rescue operations, and any approved night mountain operation shall be conducted by qualified mountain search and rescue pilots. ASU PIC's and TFO's assigned to mountain search and/or rescue missions shall be properly trained for the specific mission and be current and qualified in the equipment being used. This includes IFR currency. All night mountain operations will be conducted at 2000 feet AGL or higher.

309.11.20 SEARCH OPERATIONS

Agency Content

Pilots authorized to conduct search operations in areas identified as "mountainous terrain" shall have received special mountain flying and search qualification training as outlined in the Aviation Support Unit's Standard of Pilot Training for Mountain Search Qualification. The ASU Lieutenant or unit training officer shall maintain a roster of mountain search qualified pilots. Only those authorized pilots may be called upon for mountain search operations.

All searches using aircraft equipped with FLIR shall be staffed with an ASU pilot qualified for the specific mission and an ASU TFO trained and qualified in the operation of the FLIR Unit. Deputies assigned to other Units who may be more familiar with the area and terrain may be used as technical passengers during search operations, not involving the use of FLIR.

309.11.21 SURVEILLANCE FLIGHTS

Agency Content

An ASU Pilot and TFO will be assigned to fly surveillance missions whenever possible. When not actively engaged in surveillance activities, ASU crews are strongly encouraged to provide aerial support to ground units and shall respond to life threatening calls when requested.

If the need arises to proceed beyond Tulare County, the investigator-in-charge of the surveillance shall have the responsibility for obtaining authorization. Prior to air surveillance, the investigator-in-charge shall discuss with the ASU Sergeant and assigned crews their intentions and the probabilities of an extended surveillance so that appropriate approvals may be obtained in advance and flight contingencies planned.

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Pilots shall keep the ASU Sergeant apprised of mission hours and flight times during the course of surveillance.

309.11.22 AERIAL PHOTO FLIGHTS / SPECIAL EVENTS AND STATIC DISPLAYS

Agency Content

AERIAL PHOTO FLIGHTS:

Requests for aerial photo flights are to be coordinated through the ASU Sergeant or ASU Lieutenant.

SPECIAL EVENTS/STATIC DISPLAYS:

All requests for participation in functions such as static displays or other special events shall be made to the ASU Sergeant or ASU Lieutenant.

309.11.23 OVER WATER OPERATIONS

Agency Content

Except in response to an actual or potential life threatening situation, or when necessary to complete a mission, ASU air crews shall not engage in routine over water operations beyond a power off glide distance to a suitable landing site without prior authorization from the ASU Lieutenant.

- The PIC must weigh the importance of the call against the risk of operating beyond a power off glide distance to a suitable landing site.

Aircrews may not engage in over water training situations without prior approval from the ASU Lieutenant.

If over water operations are necessary, all occupants of the aircraft, (crew members and passengers) shall be provided with and wear approved flotation equipment before commencing such operations.

309.11.24 WEATHER LIMITATIONS / WEATHER MINIMUMS / HIGH WIND OPERATIONS

Agency Content

WEATHER LIMITATIONS:

All ASU pilots shall be familiar with weather minimums for flight destinations. ASU Pilots shall be familiar with weather systems and cloud formations indicating severe weather approaching. An aircraft shall be landed as soon as possible when the pilot determines weather minimums exist or believes a safety hazard for aircraft and crew exists.

Flight into known or forecast severe weather conditions is prohibited. If a thunderstorm is encountered, the pilot will not fly within 25nm of the thunderstorm cloud formations. If caught within

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the 25nm minimum distance, ASU pilots will fly the shortest route out of the turbulence, or land at an approved site, whichever is most practical.

Flight into known or forecast icing conditions is prohibited. If unforecast icing conditions are encountered, the pilot will take necessary steps to fly out of the condition. If unsuccessful, they will terminate the flight at the nearest safe landing zone.

Any aborted flight requiring the aircrew to land offsite from the normal base of operations shall be immediately reported by the PIC to the ASU Sergeant or the Watch Commander.

WEATHER MINIMUMS:

The following VFR weather minimums apply to ASU operations except under circumstances where FAR requirements are more restrictive. Ceiling minimums for flight shall be:

- Operations over flat terrain: 1000 feet.
- Operations over mountainous terrain: 2000 feet.
- Visibility minimums for flight shall be: 3 miles.

In all cases, ASU assigned aircraft will not be operated unless the pilot has visual ground reference, or at night, visual ground light reference.

When operating within controlled airspace, required clearances shall be obtained by the Pilot in Command.

HIGH WIND OPERATIONS:

Aircraft should be operated within the high wind parameters as outlined by the aircraft manufacturer. Aircraft should not be operated over mountainous or rough terrain when surface winds exceed 25 knots (referring to Mountain Search and Rescue Operations).

309.12 REPORTS

Agency Content

SHIFT LOG

Accurate completion of a Daily Activity Log at the end of each patrol shift is essential to Unit operations. The statistical information obtained from Activity Logs provides for assorted data comparisons and annual reports.

- All required logs and reports shall be submitted before the end-of-shift, unless the Unit Lieutenant specifically authorizes deferment. The flight officer is responsible for ensuring that the "Aviation Support Unit Daily Activity Log" is completed and submitted before the end of the duty day. Without specific pre-approval from the Unit Lieutenant, overtime will not be granted to complete daily logs and reports.
- Activity Logs shall reflect an accurate recap of the air crew's activities. Pre-flight, post-flight, and any down time (e.g. refueling, court, report writing, etc.) shall also be recorded. Since the patrol

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activity logs are statistical base for air support, particular attention must be paid to the accurate recording of codes that identify individual cities and unincorporated areas. The source activity of the call, the time the call was received, the response or travel time to the call and time spent handling the call must be recorded as accurately as possible. The practice of rounding off the times to even or 5 minutes increments is not acceptable. The names of passengers shall also be included on the air activity log.

- If a crew does not log any flight time during their assigned shift due to weather, maintenance, etc. a log will be generated noting the total "down time" for that shift and the reason for the down time.
- All reports and logs shall be submitted to the Unit Lieutenant for review and approval.
- Any significant air support provided during the shift shall be documented in the Activity Log or in a memo to the Unit Lieutenant. Significant air support would include activity wherein the aircraft was instrumental in the capture of a suspect or the protection of persons or property. The Unit Lieutenant shall be notified as soon as possible of any air support that is particularly newsworthy. Crews will work with Patrol/Detective Units on all incidents requiring ASU assistance.
- Damage to Aircraft or Equipment: Any damage to any aircraft or equipment assigned to the ASU shall be reported immediately to the ASU Sergeant.

309.13 EMERGENCY OPERATIONS

Agency Content

PILOT'S EMERGENCY AUTHORITY:

Pursuant to FAR 91.3, during an in flight emergency requiring immediate action, the PIC may deviate from any rule of Part 91 to the extent required to meet that emergency.

Each PIC who deviates from a rule within the FAR's under authority of the above section shall send a written report of that deviation to the FAA upon request by that agency. The PIC shall also submit a report to the Unit Lieutenant.

EMERGENCY AIRCRAFT EVACUATION:

The PIC or person designated by the PIC shall be responsible for the orderly evacuation of the aircraft in an emergency requiring evacuation. If available, emergency ground crews should be utilized to help remove passengers or crew members requiring assistance to expeditiously exit the aircraft.

309.13.1 PRECAUTIONARY AND EMERGENCY LANDING PROCEDURES

Agency Content

PRECAUTIONARY LANDINGS:

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A precautionary landing is one that results from suspected or potential mechanical failure, not immediately affecting the flightworthiness of the aircraft. If such a precautionary landing becomes necessary, the aircrew will:

- Notify dispatch of the situation and intended airport where the aircraft will be landing. The pilot is also responsible for notifying the local ATC if required.
- Select the nearest suitable airport and land the aircraft.
- As soon as possible, contact the ASU Sergeant, and Watch Commander to notify them as to the extent of damage or type of mechanical difficulty.

EMERGENCY LANDING PROCEDURES:

An emergency landing shall be any landing at any location caused by a mechanical failure that immediately affects the flight-worthiness of the aircraft. In the event of an emergency landing:

- The PIC will make notification to the local ATC of the situation and declare an emergency.
- The TFO will advise the dispatcher of the jurisdiction over which they are flying of the emergency situation and the approximate location of the intended landing.
- The dispatcher is responsible for assigning police and fire/paramedic personnel to the scene unless otherwise directed by the aircrew. The dispatcher shall also notify the Watch Commander of the aircrew involved in the emergency landing.
- Following the landing, a crew member will notify Dispatch of the extent of any injuries and damage. Immediate notification will be made to the ASU Lieutenant, Watch Commander and PSD Captain.
- The ASU Lieutenant will, as soon as possible, ensure the notifications have been made and should then respond to the landing site (prior to moving the aircraft) to assist in the investigation as necessary and/or make recommendations as appropriate.

In the event of an injury, death, or damage to the aircraft or other property, no removal of the aircraft or any components will occur until proper notification and compliance is made with the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB).

The PIC shall be responsible for the preparation and submission of an incident report detailing the emergency landing. This report shall be submitted to the ASU Lieutenant.

The ASU Lieutenant will be responsible for confirming all appropriate reports are completed immediately.

309.13.2 ACCIDENT AND INCIDENT REPORTING DEFINITIONS (FAR 830.2)

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Aircraft accident: An occurrence associated with the operation of an aircraft, which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

Incident: An occurrence other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operations.

Serious Injury: Any injury requiring hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received, or results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or causes severe hemorrhages, nerve, muscle, or tendon damage; or involves any internal organ, or involves second or third degree burns, or any burns affecting more than 5 percent of the body surface.

Substantial Damage: Means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairing or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this definition.

309.13.3 ACCIDENT AND INCIDENT REPORTING

Agency Content

The PIC shall immediately report to the ASU Lieutenant any accident or incident involving ASU assigned aircraft who will in turn notify the Watch Commander. The Watch Commander or ASU Lieutenant shall be responsible for making proper notification to the Division Captain. The PIC is responsible for making required notifications and reports to the NTSB (as required by FAR Part 830).

In the event of injury or death the Division Captain will notify the Undersheriff and/or Sheriff. The PSD Captain will notify Risk Management and County Counsel of the accident.

309.13.4 REPORTABLE ACCIDENTS/INCIDENTS AND REQUIRED INFORMATION FOR REPORTING

Agency Content

REPORTABLE ACCIDENTS AND INCIDENTS:

The operator of an aircraft shall file a report on NTSB Form 6120.1 within ten (10) days after an accident or incident listed below. The operator, when requested by the NTSB, shall file the report with the field office of the NTSB nearest the accident or incident.

An aircraft accident or any of the following listed incidents occur:

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- Flight control system malfunction or failure.
- Inability of any required flight crew member to perform normal flight duties as a result of injury or illness (only on in flight incidents).
- Failure of structural components of an engine.
- In flight fires; or
- Aircraft collision in flight.
- Property damage (other than to the aircraft) estimated to exceed \$25,000 for repair including materials and labor or fair market value in the event of total loss, whichever is less.
- An overdue aircraft is considered missing and believed to have been involved in an accident.

REQUIRED INFORMATION FOR REPORTING:

If a reportable accident or incident occurs, the following information shall be provided to the field office of the NTSB nearest the accident scene:

- Type, nationality and registration mark on the aircraft.
- Name of owner and operator of the aircraft.
- Name of PIC
- Date and time of the accident.
- Last point of departure and point of intended landing of the aircraft.
- Position of the aircraft with reference to some easily defined geographical point.
- Number of persons aboard, number killed, and number seriously injured.
- Nature of the accident, including the weather and the extent of damage to the aircraft so far as known.
- A description of any explosives, radioactive materials or other dangerous articles carried on board.

309.13.5 PRESERVATION OF AIRCRAFT AND CONTENTS

Agency Content

If an ASU assigned aircraft is involved in a reportable accident or incident to the NTSB, the wreckage, cargo and all records pertaining to the operation and maintenance of the aircraft and the airmen, shall be preserved to the extent possible until the NTSB takes custody thereof or a release is granted pursuant to FAR 831.12(b). Prior to the time the NTSB or its authorized representative takes custody of the aircraft, wreckage, or cargo, such wreckage or cargo shall not be disturbed or moved except to the extent necessary:

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- To remove persons injured or trapped.
- To protect the wreckage from further damage.
- To protect the public from injury.

Where it is necessary to move craft wreckage or cargo, sketches, descriptive notes and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.

The ASU Lieutenant, subject to the reporting requirements of FAR 830.5(a), shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident until authorized by the NTSB to the contrary.

309.13.6 INTERNAL REPORTING REQUIREMENTS (MAJOR INCIDENTS)

Agency Content

Staff shall document and investigate all major incidents. A major incident is described as one that involves an operational aircraft, where reoccurrence of the incident is possible or probable, and the probability of major damage or injury is high; or is an incident that has received, or probably will receive adverse publicity by the news media.

Examples of a major incident would be structural failure of an engine, an in-flight fire, etc. In such an event one must assume initially that this might happen again, possibly soon, to another aircraft. An example of an incident which might involve the news media would be a forced landing on a highway.

If a Sheriff's Department aircraft is damaged, either by ground handling, blade strikes, mechanical failure, forced landings, or any other means, or if any person is injured by an aircraft or its operator, the ASU Lieutenant and Sergeant shall determine if it is appropriate to direct the employee operating the aircraft or mechanic working on the aircraft to submit a comprehensive incident report clearly explaining the facts of the incident.

The ASU Lieutenant and Sergeant shall review the accident/incident and shall complete an Incident Report with appropriate recommendations for corrective action if required, and the Lieutenant shall determine if discipline may be warranted. Included in the incident report shall be any photos and/or supporting documentation.

309.13.7 DEVIATION FROM AN ATC CLEARANCE

Agency Content

Any PIC who, in an emergency, deviates from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

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A PIC who (though not deviating from a rule of FAR Part 91) is given priority by ATC in an emergency shall if requested by the ATC, submit a detailed report of that emergency within 48 hours to the manager of that ATC facility. If such a request is made, the PIC shall also forward a copy of the report to the ASU Lieutenant.

309.14 SAFETY

Agency Content

The Aviation Support Unit shall comply with all requirements of law and Sheriff's Department Policy regarding safety, operational standards and risk management, and shall strive to provide all employees with a safe and healthy work environment.

309.14.1 SAFETY MANAGEMENT SYSTEM (SMS) PROGRAM

Agency Content

The ASU Lieutenant shall maintain a Safety Management System (SMS) which will be documented in a manual independent of the ASU Policy and Procedure. The SMS standards follow the guidance provided by the Airborne Public Safety Association (APSA) and the FAA.

The ASU SMS has been designed to be a coordinated, comprehensive set of processes to direct and control resources to optimally manage safety. The SMS takes unrelated processes and builds them into one coherent structure to achieve a higher level of safety performance, making safety management an integral part of overall risk management.

SMS is based on leadership and accountability. It requires proactive hazard identification, risk management, information control, auditing and training. It also includes incident and accident investigation and analysis. An SMS is a systematic approach to managing safety, including the necessary unit structures, accountabilities, policies and procedures.

The SMS effectively describes how we should be conducting ourselves with regard to our own internal safety process and procedures.

The Safety Management System is a cyclical process which assists us to:

- Comply with regulations,
- Control losses,
- Encourage everyone to be proactive not reactive,
- Investigate accidents and incidents,
- Ensure safety is an integral part of everything we do,
- Ensure compliance.

309.14.2 TACTICAL FLIGHT OFFICER/SAFETY OFFICER RESPONSIBILITIES

Agency Content

The Air Safety Officer reports directly to the ASU Sergeant. The Air Safety Officer has the responsibility to direct all Aviation Support Unit's Safety and Accident Prevention programs and training, and is responsible to identify and eliminate potential risks. The Safety Officer's duties include, but are not limited to:

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- Coordinates all safety training for ASU members.
- Identifies and evaluates safety problem areas.
- Provides technical guidance where safety is a factor in Unit operations and training.
- Prepares and presents periodic safety meetings and briefings.
- Investigates all ASU incidents and accidents with the purpose of preventing future accidents.
- Assists the ASU Lieutenant in the formation and implementation of safe operating criteria and policies and procedures.

309.14.3 SAFETY MEETINGS

Agency Content

Safety Meetings shall be convened on a biannual basis. These meetings will address recognized safety concerns, risks, and previous incident or accidents. Safety meetings shall also be convened after every Critical Incident of In-Flight Emergency occurs. Those present shall include the following:

- Pilots
- Flight Officer
- ASU Sergeant
- ASU Lieutenant
- PSD Captain

The Safety Officer shall document meetings, concerns and recommendations, and distribute meeting notes to all Aviation Support Unit personnel and the Division Captain. Members will be assigned safety problems to research for corrective recommendations. A report on corrective action will be presented in a timely fashion. Critical items will require action as soon as possible.

309.14.4 SAFETY EVALUATIONS AND INSPECTIONS

Agency Content

The Unit Lieutenant shall cause periodic inspections (at least annually) of ASU operations and facilities to be conducted. The results of these inspections, with recommended corrections, shall be directed to the Division Captain via the Chain of Command for final disposition. The Unit Lieutenant is also responsible for gathering information relating to Law Enforcement air operations accidents and disseminating that information to all TCSD ASU members.

309.15 TRAINING

Agency Content

AIR UNIT APPLICANT REQUIREMENTS AND SELECTION STANDARDS

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Any Deputy Sheriff II meeting the following criteria may request assignment to the Aviation Support Unit as a Tactical Flight Officer as the need exists and when an appropriate department memo is posted:

Minimum two years assignment to Patrol duties with experience as a Field Training Officer is desirable. (Prior law enforcement patrol experience shall be considered on a case-by-case basis.)

Aeronautical ratings and aviation experience are not mandatory prerequisites for assignment consideration, but these qualifications and background are obviously helpful. Applicants shall be evaluated on their law enforcement experience and procedural knowledge of the department operations as well as general aviation. This will be demonstrated during an interview, which may also include a written examination, as well as a flight practical.

309.15.1 EMPLOYEE ORIENTATION

Agency Content

All employees, sworn and civilian, newly assigned to Aviation Support Unit shall receive a thorough Unit orientation and indoctrination including areas such as: maintenance, administration, flight operations, and emergency procedures. Included during this period shall be instruction on the use of special ground equipment, issuance of a copy of the Aviation Support Unit policies and procedures and a safety orientation.

309.15.2 PILOT SELECTION AND TRAINING SYLLABUS

Agency Content

Pilot selection shall be conducted in accordance with the Department's selection standards for the position of Pilot.

The training syllabus for new pilots shall be structured commensurate with the aviation experience level of the pilot. The assigned instructor pilot shall evaluate the prospective pilot's aviation experience and develop a course curriculum designed to allow progress through demonstrated ability. Piloting tasks must be performed in accordance with established Aviation Support Unit standards for pilot training before progression to more demanding tasks can occur. Although no minimum or maximum number of training flight hours shall be imposed, it is the responsibility of the assigned flight instructor to evaluate continued training based on the student pilot's ability to comprehend the training received, successful demonstrated performance of flight maneuvers and the likelihood of successful completion of the training program. Student pilots shall be afforded every opportunity to succeed. Should learning difficulties be encountered during the course of training, the Unit Lieutenant or the designated Certified Flight Instructor may consider change of instructor pilots. If a decision is made to change instructor pilots, the student pilot shall be given additional training (the length of which shall be determined on a case-by-case basis), during which time suitable and appropriate progress must be demonstrated, along with the ability to perform piloting tasks to ASU standards. At the conclusion of the prescribed additional training period, the

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instructor pilot shall prepare a written report on the status of training and submit their findings to the ASU Lieutenant.

The Flight Instructor shall confer with the ASU Lieutenant to determine the likelihood of successful flight training completion. If the decision is made to discontinue further training, a report and recommendation will be prepared by the ASU Lieutenant to the PSD Captain for a course of action. Should training continue, the student pilot shall be afforded the same opportunities to complete the program. However, if further difficulties are encountered that would otherwise necessitate another instructor change; the student pilot shall be removed from further flight training.

If possible, during the course of pilot training, a series of phase check-rides shall be given to the student pilot by ASU instructor pilots. In addition to evaluating the student's progress, these rides shall also validate that the training provided and received conforms to established ASU standards.

The final check ride shall be administered by the designated Certified Flight Instructor who makes the determination of a pass or fail of the student pilot. The student pilot must demonstrate proficiency in all emergency procedures and flight maneuvers, to include mission tasks as prescribed by the curriculum for training.

309.15.3 TACTICAL FLIGHT OFFICER - COLLATERAL DUTY AS TRAINING OFFICER

Agency Content

The Tactical Flight Officer / Training Officer is a Deputy who has been assigned the collateral duty of supervising the flight officer-training program. Their duties include providing recommendations to the ASU Lieutenant of prospective Flight Officer training officers; monitoring the progress of each flight officer trainee during the course of their training; advising the ASU Lieutenant of flight officer trainees encountering difficulties requiring remedial training; approving monthly progress reports on flight officer trainees and forwarding the report to the ASU Lieutenant; continually assessing the effectiveness of the flight officer training program and recommending changes or updates when appropriate; and evaluating the flight officer training officer's ability to train and document the trainee's performance during the course of training.

The Flight Officer Training Officer shall also be significantly involved in the remedial training program should a trainee encounter difficulties during training. In addition to monitoring the progress of the trainee receiving remedial training, the Training Officer shall be responsible for preparing a comprehensive memo to the PSD Captain, through the ASU Lieutenant, should the decision be made to terminate further training attempts of a trainee who has failed their second thirty day period of remedial training.

309.15.4 REMEDIAL TACTICAL FLIGHT OFFICER TRAINING PROGRAM

Agency Content

Should the flight officer trainee encounter serious learning difficulties at any time during training, the training officer shall notify the ASU Lieutenant and initiate a fifteen (15) day remedial training program whereupon weekly progress reports shall be submitted to the ASU Lieutenant.

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At the conclusion of the first fifteen (15) day remedial training program, if no satisfactory progress has been made, the ASU Lieutenant shall affect a change of flight officer training officers wherein a second fifteen (15) day remedial program shall be initiated. During this time, the newly assigned training officer shall assess the difficulties encountered by the trainee, intensify training in the weak areas, and evaluate the trainee's ability to overcome their difficulties and successfully complete the training program. Progress reports are again required during the second fifteen (15) day period with a comprehensive evaluation due at the conclusion of this period.

The final remedial evaluation, submitted to the ASU Lieutenant, shall contain a synopsis of all training received to that point, difficulties encountered or improvements made, and a recommendation relative to the trainee's continued involvement in the program. The ASU Lieutenant shall confer with the Division Captain regarding the flight officer trainee's status.

Should the recommendation of the training officer conclude that successful completion of training is likely to occur after the first or second fifteen (15) day period, and that recommendation is accepted, the trainee will be given an additional fifteen (15) days to complete the training requirements. Should the training officer's recommendation conclude that the trainee is not likely to successfully complete the training program, and this recommendation is accepted, arrangements shall be made to transfer the trainee back to their original unit of assignment or suitable equivalent at the earliest convenience

309.15.5 DOCUMENTATION OF PERFORMANCE

Agency Content

It is the responsibility of all Aviation Support Unit Lieutenants to frequently evaluate and document the performance of subordinate personnel according to Department Policy and Procedures.

309.15.6 YEARLY TRAINING PLAN

Agency Content

No later than Feb.1st of each calendar year, it shall be the responsibility of the ASU Lieutenant to develop and provide to the Professional Standards Division Captain, an updated and revised, if necessary, training plan prescribing the anticipated training activities for the ensuing fiscal year. The training plan shall be approved after the County budget has been approved and shall contain, as a minimum, the ASU training objectives, tentative training schedule, training philosophy, guidelines and assigned responsibilities for the conduct of training.

Training activities shall be prioritized as follows:

1. All Pilot training necessary to maintain FAA ratings and certifications.
2. Flight Officer safety and necessary proficiency levels.

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3. Training required as per Department Policy or Department Order.
4. Training as required by the State of California's Commission on Peace Officers Standards for Training (POST).
5. Airframe and Power Plant or Inspection Authorization training required by the FAA to maintain certification.
6. Additional training in aviation and other related subject areas designed to enhance the skills of all personnel assigned to the Unit.

The yearly training plan shall also include a listing and description of training requested from outside vendors, the number of ASU personnel who must attend, the location and approximate dates of the training, and anticipated costs (including per diem and travel). A recap of outside vendor training costs and a yearly training calendar shall also be submitted. The responsibility for developing and distributing the yearly training plan shall rest with the ASU Lieutenant, however, each ASU member shall share the responsibility for providing input and recommendations for subject matter.

Canines

310.1 PURPOSE AND SCOPE

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

310.2 POLICY

It is the policy of the Tulare County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.2.1 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Division.

Canine teams should function primarily as cover units however; they may be assigned by the Patrol Lieutenant to other functions based on the needs of the watch at the time.

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

310.2.2 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the on Duty Sergeant, Canine Sergeant. The Canine Lieutenant will be notified as soon as possible.

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

The injury will be documented on a Canine Use Report Form.

310.2.3 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Canine Sergeant.

Any indication that a canine is not in good physical condition shall be reported to the Canine Sergeant or the Canine Lieutenant as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

310.2.4 EMERGENCY MEDICAL CARE

The handler shall notify the Canine Sergeant as soon as practicable when emergency medical care for the canine is required.

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

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The Unit Coordinator will notify the Canine Lieutenant as soon as possible.

310.2.5 TRAINING AND CONTINUED TRAINING

Each canine team shall be certified to current POST guidelines. If the canine is cross-trained, the canine will also be certified to the California Narcotic Canine Association or other recognized and approved certification standards.

Each canine team shall thereafter be recertified to current POST guidelines and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Tulare County Sheriff's Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Lieutenant.

310.2.6 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.3 ASSIGNMENT

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

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

310.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Canine Lieutenant or the Shift Sergeant shall approve all requests for canine assistance from outside agencies, subject to the following provisions:

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

Canines

- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Tulare unless authorized by the Canine Lieutenant or Patrol Lieutenant. The Canine Deputy responding to the call-out will notify the Canine Sergeant as soon as possible.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

310.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Sergeant prior to making any commitment. The Canine Sergeant shall notify the Canine Lieutenant.

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

310.3.3 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Canine Sergeant.

310.4 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) Living within 30 minutes travel time from the Tulare County limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

310.5 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all assigned equipment under his/her control in a clean and serviceable condition.
- (c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Tulare County Sheriff's Office facility.

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- (d) Handlers shall permit the Canine Sergeant and/or canine Lieutenant to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Sergeant as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the Canine Sergeant or Lieutenant.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine Sergeant or Lieutenant.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine Sergeant so that appropriate arrangements can be made.
- (k) The on duty Sergeant and Canine Sergeant will be notified as soon as possible regarding all canine bites.

310.5.1 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

310.5.2 RETIREMENT OF LAW ENFORCEMENT CANINES

A law enforcement canine has a service life depending on health, injury, age, assignment and partnering with a handler. Prior to retirement a law enforcement canine will receive various evaluations. These evaluations may be done by the following:

- (a) Assigned Canine Handler evaluation of canine partners performance and serviceability
- (b) Veterinarian to determine the canine's quality of life (serviceability)
- (c) Canine Unit Commander and Supervisor recommendation or approval of reassignment or retirement of the canine
- (d) Master Handler to determine the suitability of the adoption of the canine or recommendation of euthanasia of the canine.

Canines

310.5.3 OWNER RESPONSIBILITIES FOR RETIRED / ADOPTED LAW ENFORCEMENT CANINES

The owner shall ultimately be responsible for the health and welfare of the adopted canine and shall ensure that the adopted canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The adopted canine is a retired law enforcement canine and should be treated with the same direction and control as when the adopted canine was a working canine and receiving regular training.

The owner will be responsible for the following:

- (a) Upon approval to adopt and purchase the retired law enforcement canine the owner shall review TCSO policy regarding adoption of a retired law enforcement canine and receive instruction in the care, securing and liability of the canine with either a master canine handler or canine unit supervisor.
- (b) The owner shall not expose the adopted canine to any foreseeable and unreasonable risk of harm.
- (c) The owner shall maintain all canine control equipment under his/her control in a clean and serviceable condition, i.e.: collar, leash, harness, kennel.
- (d) Any changes in the living status of the owner that may affect the lodging or environment of the adopted canine, it shall be the responsibility of the owner to ensure the lodging and environment are adequate to contain the adopted canine. It shall also be the responsibility of the owner to ensure consent of the property owner for the retired canine to reside at the location.
- (e) When the owner is away from home the adopted canine shall be secured in a kennel.
- (f) When an adopted canine is kenneled at the owner's home, the gate shall be secured with a lock. The adopted canine may be let out of the kennel while under the direct control of the owner.
 - 1. The adopted canine may be permitted to socialize in the home with the owner's family under the direct supervision of the owner.
 - 2. If the adopted canine is to be lodged at a location other than the owner's primary residence, it shall be the owner's responsibility to ensure the alternate locations means of containing the canine by a kennel are as adequate as the handler's primary residence kennel.
 - 3. The owner shall not involve the adopted canine in any law enforcement activity, demonstrations or detection work.
 - 4. It shall be the owner's responsibility to maintain the adopted canine's vaccinations and medical care. It shall be the owner's responsibility to maintain a current dog license in their respective city or county.

Canines

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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

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

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

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

310.6.1 PREPARATION FOR DEPLOYMENT

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

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

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- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

310.6.2 WARNINGS AND ANNOUNCEMENTS

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

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

310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 NARCOTICS DETECTION

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

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

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310.7.3 CONTROLLED SUBSTANCE PROCEDURES

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

310.7.4 BOMB/EXPLOSIVE DETECTION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

310.7.5 EXPLOSIVE TRAINING AIDS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

310.8 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Canine Sergeant.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

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311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Intimate partners - is defined as a spouse, a person with whom the defendant is cohabiting, domestic partner, a person who is the parent of the defendant's child, former spouse, former domestic partner, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship; regardless of sexual orientation.

311.2 POLICY

The Tulare County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

311.4 INVESTIGATIONS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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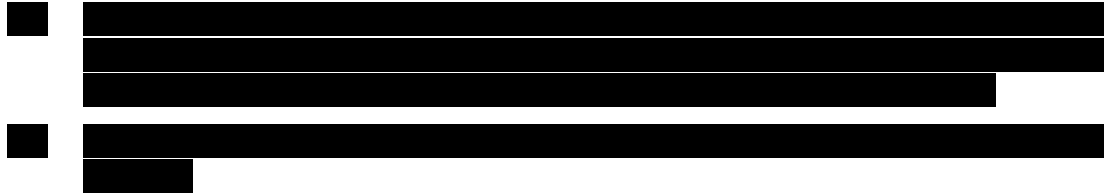
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311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

311.4.3 IMPLEMENTATION OF DANGER ASSESSMENT - LAW ENFORCEMENT (DA-LE)

The Danger Assessment – Law Enforcement (DA-LE) matrix is designed to identify domestic violence victims who are at a high risk of homicide or great bodily injury from their intimate partner. The DA-LE matrix is to only be used to assess those incidents involving intimate partner(s). The DA-LE matrix shall not be used to assess those incidents not involving intimate partners. (Example: Parents and children, non-intimate roommates.)

The DA-LE matrix consists of 11 questions verbally presented to the domestic violence victim. If the victim declines to answer any questions, the responding Deputy will document that on the DA-LE matrix. Any complete, incomplete or declined DA-LE matrix shall be attached to the [report and DV Supplement].

The responding Deputy shall attempt to verbally administer the DA-LE matrix when investigating any report of domestic violence involving intimate partners. A translator will be used in the victim's native language if he/ she do not speak English.

The DA-LE questions are research-based indicators designed to identify those intimate partner relationships involving domestic violence that have the potential of to cause great bodily injury or death. A case is considered high risk when 7 or more questions are answered "yes". Any

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case scoring 7 or more on the DA-LE matrix will be forwarded to the Domestic Violence High Risk Team (DVHRT) for review.

The responding Deputy can request further review of a case based on any circumstances that indicate an elevated risk of physical/lethal harm to the victim regardless of how many questions are answered affirmatively, including when the screen is incomplete. Such circumstances could include, but are not limited to, severity of the assault, previous domestic violence calls between the parties, and/or level of fear of harm expressed by the victim. Any case where the “further review” box on the DA-LE matrix has been checked by the responding Deputy shall be eligible for referral to the Domestic Violence High Risk Team.

The DA-LE matrix is to be completed by the investigating Deputy after the current investigation has been determined to be a domestic violence between intimate partners, whether felony or misdemeanor. Should the victim at the immediate time of the investigation be unconscious or have sustained injuries that make completing the DA-LE at that time impractical; the Patrol Deputy may check the “further review” box and the DA-LE matrix will be completed by the Patrol Deputy or Detective as soon as the victim is capable of answering the matrix questions.

The Investigating Deputy shall state in the narrative of their report; either the DA-LE was completed with the victim or if not completed, state why it could not be completed.

311.4.4 NOTIFICATION

The following Agencies and Units within the Sheriff's Department must be notified when a domestic violence victim scores a 7 or higher on the DA-LE matrix or if the “further review” box on the DA-LE matrix is checked.

- * Domestic Violence High Risk Team

- * District Attorney's Office

- * Family Services

- (a) Notification Process will begin with the Patrol Supervisor of the Deputy who initiated the domestic violence investigation. The Patrol Supervisor will make an electronic (e-mail) notification to the Domestic Violence High Risk Team Supervisor. The Patrol Supervisor will draft a briefing of the DV investigation on their daily shift briefing. The briefing will comprise a synopsis of the investigation and state whether the suspect was arrested or remains at large. The briefing will also include the DA-LE matrix point score or indicate whether the “further review” box has been checked. The Patrol Supervisor will include the DVHRT Unit Supervisor in the electronic notification of the daily shift briefing.
- (b) The investigating Deputy will submit the DA-LE matrix with their report before going off shift.
- (c) The Station secretary will scan the completed DA-LE matrix into the ASDI report data base. When the report is printed and forwarded to the District Attorney's Office for review, the DA-LE matrix will be included in the report.

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- (d) The DVHRT Supervisor will assign any domestic violence case scoring a 7 or higher on the DA-LE matrix, or any case where the “further review” box has been checked, to the DVHRT Detective for follow up investigation.
- (e) Whenever any domestic violence case has a DA-LE matrix score of 7 or higher, or the “further review” box has been checked, the assigned DVHRT Detective or Office Assistant staff will ensure the victim info and DA-LE matrix is forwarded to Family Services for their information so that victim assistance can be initiated.
- (f) The assigned DVHRT Detective will review the case and ensure any necessary follow up investigation is completed and forwarded to the District Attorney’s Office. The DVHRT Detective will complete any follow up investigation requested by the District Attorney’s Office that is necessary to effectively prosecute the domestic violence case.

311.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim’s behavior and actions may be affected.
- (b) Provide the victim with the office’s domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

A deputy shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

311.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

311.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

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- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

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311.9.2 COURT ORDERS

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, a deputy at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

311.9.3 PUBLIC ACCESS TO POLICY

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

311.9.4 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

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311.9.5 RECORD-KEEPING AND DATA COLLECTION

This office shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Support Services Manager to maintain and report this information as required.

311.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

Search and Seizure

312.1 PURPOSE AND SCOPE

Federal MODIFIED

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Tulare County Sheriff's Office personnel to consider when dealing with search and seizure issues.

312.2 POLICY

Best Practice MODIFIED

It is the policy of the Tulare County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

Federal MODIFIED

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Search and Seizure

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

312.4 SEARCH PROTOCOL

Best Practice MODIFIED

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 1. Another deputy or a supervisor should witness the search.
 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Best Practice

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

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Search and Seizure

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Temporary Custody of Juveniles

313.1 PURPOSE AND SCOPE

Federal

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Tulare County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

313.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this office performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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Temporary Custody of Juveniles

- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

313.2 POLICY

Best Practice

The Tulare County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Tulare County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD

State

Juveniles who exhibit any of the following conditions should not be held at the Tulare County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Lieutenant. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

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Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Tulare County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

313.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

State

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Lieutenant shall be notified of the need for medical attention for the juvenile. Office members should administer first aid as applicable (15 CCR 1142).

313.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

State

Office members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

313.4 CUSTODY OF JUVENILES

Federal

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Tulare County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Tulare County Sheriff's Office without authorization of the arresting deputy's supervisor or the Lieutenant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Tulare County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Federal

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Tulare County Sheriff's Office. Custodial arrangements should be

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made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Federal

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

313.4.3 CUSTODY OF JUVENILE OFFENDERS

State

Juvenile offenders should be held in non-secure custody while at the Tulare County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Office.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative

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is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

313.5 ADVISEMENTS

State

Deputies shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

313.6 JUVENILE CUSTODY LOGS

State

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Tulare County Sheriff's Office (15 CCR 1150).
- (c) Lieutenant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.

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- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Lieutenant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

313.7 NO-CONTACT REQUIREMENTS

Federal

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Tulare County Sheriff's Office (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

313.8 TEMPORARY CUSTODY REQUIREMENTS

State

Members and supervisors assigned to monitor or process any juvenile at the Tulare County Sheriff's Office shall ensure the following:

- (a) The Lieutenant should be notified if it is anticipated that a juvenile may need to remain at the Tulare County Sheriff's Office more than four hours. This will enable the Lieutenant to ensure no juvenile is held at the Tulare County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

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- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

313.9 USE OF RESTRAINT DEVICES

State

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Tulare County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Lieutenant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

313.10 PERSONAL PROPERTY

Best Practice

The deputy taking custody of a juvenile offender or status offender at the Tulare County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

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The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Tulare County Sheriff's Office.

313.11 SECURE CUSTODY

State

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Lieutenant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this office shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

313.11.1 LOCKED ENCLOSURES

State

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

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- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

313.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

State

The Lieutenant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Tulare County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff, and Investigation Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

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313.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

State

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

313.13.1 MANDATORY RECORDINGS OF JUVENILES

State

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a office facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

313.14 FORMAL BOOKING

Best Practice

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in his/her absence, the Lieutenant.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Lieutenant or Investigative Bureau supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

313.15 RELEASE OF INFORMATION CONCERNING JUVENILES

State

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Tulare County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Support Services Manager and the appropriate Investigative Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

313.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

State

The Patrol Division Commander shall coordinate the procedures related to the custody of juveniles held at the Tulare County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

313.17 RELIGIOUS ACCOMMODATION

Best Practice

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Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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314.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Tulare County Sheriff's Office members as required by law (Penal Code § 368.6).

The Tulare County Sheriff's Office is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

314.2 DEFINITIONS

Agency Content

Definitions related to this policy include:

Adult Abuse - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/ licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

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

314.3 MANDATORY NOTIFICATION

Agency Content

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence

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or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

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

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

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Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The Investigative Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

314.3.1 RECORDS DIVISION RESPONSIBILITY

Agency Content

The Records Unit is responsible for the following:

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

314.4 DEPUTY'S RESPONSE

Agency Content

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

314.4.1 INITIAL RESPONSE

Agency Content

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

314.4.2 STABILIZE THE SITUATION

Agency Content

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider taking the following actions:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.
- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.

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- (d) Make on-scene arrests when appropriate. Deputies may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, deputies should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

314.4.3 SUPPORT PERSONNEL

Agency Content

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

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- Investigation efforts shall be coordinated with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services if the abuse occurred in a state mental hospital or state developmental center (Welfare and Institutions Code § 15630(b)).

314.4.4 EMERGENCY PROTECTIVE ORDERS

Agency Content

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

314.5 ADULT ABUSE REPORTING

Agency Content

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim

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- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

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

314.6 RECORDS BUREAU RESPONSIBILITIES

State

The Records Unit is responsible for:

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

314.7 JURISDICTION

State

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

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this office will retain responsibility for the criminal investigations (Penal Code § 368.5).

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

314.8 RELEVANT STATUTES

State

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

- (a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

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

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Senior and Disability Victimization

Welfare and Institutions Code § 15610.57

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.

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5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

Federal

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

Federal

The Tulare County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DISCRIMINATION PROHIBITED

Federal MODIFIED

315.3.1 DISCRIMINATION

Federal

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

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315.3.2 SEXUAL HARASSMENT

Federal

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.3 ADDITIONAL CONSIDERATIONS

Federal

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

Best Practice

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Human Resources Director, or the County Administrative Officer.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

315.4.1 SUPERVISOR RESPONSIBILITIES

Best Practice

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.2 SUPERVISOR'S ROLE

Best Practice

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Best Practice

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

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315.5.1 SUPERVISOR RESOLUTION

Best Practice

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

Best Practice

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Human Resources Director, or the County Administrative Officer.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

Best Practice

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

Agency Content

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff, the County Administrative Officer or the Human Resources Director if more appropriate

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- Maintained for the period established in the department's records retention schedule

315.7 DOCUMENTATION OF COMPLAINTS

Best Practice

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approve by the Sheriff, the County Administrative Officer, or the Human Resources Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the office's established records retention schedule.

315.8 TRAINING

Best Practice

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

315.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Agency Content

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff, Human Resources Director or the County Administrative Officer, or they may contact the California Department of Fair Employment and Housing.

315.9 WORKING CONDITIONS

State

The Administrative Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

315.10 REQUIRED POSTERS

State

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

316.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Tulare County Sheriff's Office members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

316.1.1 DEFINITIONS

State

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

316.2 POLICY

State

The Tulare County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

316.3 MANDATORY NOTIFICATION

State

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this office. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other

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applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

316.3.1 NOTIFICATION PROCEDURE

State **MODIFIED**

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

316.4 QUALIFIED INVESTIGATORS

State

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

316.5 INVESTIGATIONS AND REPORTING

Best Practice

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

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Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

316.5.1 EXTRA JURISDICTIONAL REPORTS

State

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

316.6 PROTECTIVE CUSTODY

State

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult

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should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.

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- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

316.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

State

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

316.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

State

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

316.7 INTERVIEWS

Best Practice

316.7.1 PRELIMINARY INTERVIEWS

Best Practice

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

316.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

Best Practice

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

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.

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2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

316.7.3 INTERVIEWS AT A SCHOOL

State

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

316.8 MEDICAL EXAMINATIONS

Best Practice

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

316.9 DRUG-ENDANGERED CHILDREN

Best Practice

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

316.9.1 SUPERVISOR RESPONSIBILITIES

Best Practice

The Investigative Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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- (b) Activate any available interagency response when a deputy notifies the Investigative Bureau supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

316.9.2 DEPUTY RESPONSIBILITIES

Best Practice

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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

316.10 STATE MANDATES AND OTHER RELEVANT LAWS

State

California requires or permits the following:

316.10.1 RELEASE OF REPORTS

State

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

316.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

State

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

316.10.3 CACI HEARING OFFICER

Best Practice

The Investigative Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

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316.10.4 CACI HEARING PROCEDURES

State

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

316.10.5 CHILD DEATH REVIEW TEAM

Discretionary

This office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

316.11 TRAINING

Best Practice

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.

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- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Public Alerts

317.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Best Practice

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

Best Practice

MODIFIED

317.3.1 EMPLOYEE RESPONSIBILITIES

Best Practice

Employees of the Tulare County Sheriff's Office should notify their supervisor, Lieutenant or Investigative Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

Best Practice

MODIFIED

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

Public Alerts

317.4 AMBER ALERTS

State

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

317.4.1 CRITERIA FOR AMBER ALERT

State

MODIFIED

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

- (a) An abduction has occurred or a child has been taken by anyone, including, but not limited to, a custodial parent or guardian..
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the victim's safe recovery.

317.4.2 PROCEDURE FOR AMBER ALERT

State

MODIFIED

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the victim:
 - 1. The victim's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Office Communications Division so that general broadcasts can be made to local law enforcement agencies.

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- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

317.5 BLUE ALERTS

State

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

317.5.1 CRITERIA FOR BLUE ALERTS

State

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

317.5.2 PROCEDURE FOR BLUE ALERT

State

MODIFIED

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison

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6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Office Communications Division so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 2. The FBI local office

317.6 SILVER ALERTS

State

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

317.6.1 CRITERIA FOR SILVER ALERTS

State

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The office has utilized all available local resources.
- (c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.6.2 PROCEDURE FOR SILVER ALERT

State

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

317.7 MUTUAL AID

State

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The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Lieutenant or Investigative Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Lieutenant of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Lieutenant.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this office.

The Tulare County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

317.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

State

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

317.8.1 CRITERIA

State

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

317.8.2 PROCEDURE

State

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

Missing Persons

318.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

State

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

318.2 POLICY

State

The Tulare County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Tulare County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

State

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Office report form for use in missing person cases

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

State

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

318.5 INITIAL INVESTIGATION

State

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

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- (g) Collect and/or review:
 - 1. A photograph and a fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

318.6 REPORT PROCEDURES AND ROUTING

Best Practice

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

318.6.1 SUPERVISOR RESPONSIBILITIES

Best Practice

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

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Unit.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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318.6.2 RECORDS UNIT RESPONSIBILITIES

Federal

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigative Bureau.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

318.7 INVESTIGATIVE BUREAU FOLLOW-UP

Federal

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person

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is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

318.8 WHEN A MISSING PERSON IS FOUND

State

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Support Services Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

318.8.1 UNIDENTIFIED PERSONS

Best Practice

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

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318.9 CASE CLOSURE

Best Practice

The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Tulare or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

318.10 TRAINING

Best Practice

Subject to available resources, the Training Lieutenant should ensure that members of this office whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.

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- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Victim and Witness Assistance

319.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

319.2 POLICY

Best Practice

The Tulare County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Tulare County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

319.3 CRIME VICTIM LIAISON

Best Practice **MODIFIED**

The Sheriff shall appoint a member of the Office to serve as the Crime Victim Liaison (2 CCR 649.36). The Crime Victim Liaison will be the point of contact for individuals requiring further assistance or information from the Tulare County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

319.3.1 CRIME VICTIM LIAISON DUTIES

State

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with his/her contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

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1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Tulare County Sheriff's Office jurisdiction (Penal Code § 680.2).

319.4 CRIME VICTIMS

Best Practice **MODIFIED**

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

Deputies should investigate allegations of victim intimidation and take enforcement action when lawful and reasonable.

319.4.1 VICTIMS OF HUMAN TRAFFICKING

State

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

319.5 VICTIM INFORMATION

State

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.

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- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U Visa and T Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the deputy's name, badge number and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

319.6 WITNESSES

Best Practice **MODIFIED**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

320.1 POLICY

State

It is the policy of this office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

320.2 PURPOSE AND SCOPE

State

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Tulare County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

320.2.1 DEFINITION AND LAWS

State

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a

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perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation

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- (g) Association with a person or group with one or more of these actual or perceived characteristics:
1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

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Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

320.3 PLANNING AND PREVENTION

State

In order to facilitate the guidelines contained within this policy, office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

320.3.1 HATE CRIMES COORDINATOR

State

A office member appointed by the Sheriff or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the office's concern over hate crimes and related incidents; reducing the potential for counter-

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violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Lieutenant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to deputies in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.
- (m) Maintaining the office's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
 - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
 - 2. Analysis of the office's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

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320.3.2 RELEASE OF INFORMATION

State

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

320.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

State

320.4.1 INITIAL RESPONSE

State

First responding deputies should know the role of all office personnel as they relate to the office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

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- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 6254.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

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- (l) Provide the office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

320.4.2 INVESTIGATION

State

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 6254.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. Document the victim's protected characteristics.

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- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 - 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 - 2. Provide ongoing information to victims about the status of the criminal investigation.
 - 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

320.4.3 SUPERVISION

State

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 - 1. Expressing the office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - 2. Expressing the office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 - 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a office chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

320.5 TRAINING

State

All members of this office will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

320.6 APPENDIX

State

See attachments:

[Statutes and Legal Requirements.pdf](#)

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[Hate Crime Checklist.pdf](#)

Attachments

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

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EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____		<input type="checkbox"/> Known to victim	
Taken by: _____ Serial #: _____				

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos	<input type="checkbox"/> Tattoos
	<input type="checkbox"/> Shaking	<input type="checkbox"/> Shaking
	<input type="checkbox"/> Unresponsive	<input type="checkbox"/> Unresponsive
	<input type="checkbox"/> Crying	<input type="checkbox"/> Crying
<input type="checkbox"/> Scared	<input type="checkbox"/> Scared	
<input type="checkbox"/> Angry	<input type="checkbox"/> Angry	
<input type="checkbox"/> Fearful	<input type="checkbox"/> Fearful	
<input type="checkbox"/> Calm	<input type="checkbox"/> Calm	
<input type="checkbox"/> Agitated	<input type="checkbox"/> Agitated	
<input type="checkbox"/> Nervous	<input type="checkbox"/> Nervous	
<input type="checkbox"/> Threatening	<input type="checkbox"/> Threatening	
<input type="checkbox"/> Apologetic	<input type="checkbox"/> Apologetic	
<input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Other observations: _____	

<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>		
Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		
--	--	--

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Standards of Conduct

321.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy establishes standards of conduct that are consistent with the values and mission of the Tulare County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

321.2 DISCIPLINE POLICY

Best Practice MODIFIED

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

321.2.1 INVESTIGATIONS OF DISCIPLINARY ALLEGATIONS

Agency Content

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaints Policy.. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

321.3 DIRECTIVES AND ORDERS

Best Practice

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

321.3.1 UNLAWFUL OR CONFLICTING ORDERS

Best Practice

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or

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shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

321.3.2 SUPERVISION RESPONSIBILITY

Agency Content

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

321.4 GENERAL STANDARDS

Best Practice

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

321.5 CAUSES FOR DISCIPLINE

Best Practice

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The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service:

321.5.1 LAWS, RULES AND ORDERS

Best Practice **MODIFIED**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws or regulations.

321.5.2 ATTENDANCE

Agency Content

- (a) Leaving the job to which assigned during hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Office within 24 hours of any change in residence address, home telephone number, cellular telephone number, marital status or any relative contact information.

321.5.3 CONDUCT

Agency Content

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

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- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Sheriff or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (n) Profanity, obscene language or expletives used in a derogatory manner against any member of the public or any member of this Office.

321.5.4 DISCRIMINATION

Agency Content

Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

321.5.5 ETHICS

Best Practice **MODIFIED**

- (a) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (b) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized permits excepted).
- (c) Acceptance of fees, gifts, or money contrary to the rules of this office and/ or laws of the state.

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- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel or services.
- (f) Any failure to abide by the standards of ethical conduct.

321.5.6 INTOXICATION

Agency Content

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

321.5.7 PERFORMANCE

Agency Content

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

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- (g) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (i) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (j) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (l) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off-duty.
- (o) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (q) Offer or acceptance of a bribe or gratuity.
- (r) Misappropriation or misuse of public funds.
- (s) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (t) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (u) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should

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have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

- (v) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency.
- (w) Engaging in political activities during assigned working hours.
- (x) Violating any misdemeanor or felony statute.
- (y) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (z) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (aa) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ab) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

321.5.8 RELATIONSHIPS

State

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

321.5.9 SAFETY

Agency Content

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- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.

321.5.10 SECURITY

Agency Content

Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

321.6 EMPLOYEE RESPONSE

Agency Content

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. For the purpose of this section, recommended discipline means dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for the purposes of punishment (Government Code § 3303). The employee shall consider the following:

- (a) This *Skelly* response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

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- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. Once the Sheriff determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective.

321.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

Agency Content

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

321.8 POST SKELLY PROCEDURE

Agency Content

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

During any post-Skelly administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of penalty. (Government Code § 3305.5).

321.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

Agency Content

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set

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forth in the *Skelly* procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.

- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff.

Information Technology Use

322.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

322.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Tulare County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

322.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

322.3 PRIVACY EXPECTATION

State MODIFIED

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office technology system.

The Office reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service, or website requires a username or password

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will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

The Office shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

322.4 RESTRICTED USE

Best Practice

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Lieutenants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

322.4.1 SOFTWARE

Best Practice

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

322.4.2 OFF-DUTY USE

Best Practice

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Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

322.4.3 INTERNET USE

Best Practice

Internet access provided by or through the Office shall be strictly limited to office-related activities. Internet sites containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

322.4.4 HARDWARE

Best Practice

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

322.5 PROTECTION OF AGENCY SYSTEMS AND FILES

Best Practice

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

Information Technology Use

322.6 INSPECTION OR REVIEW

Best Practice

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

323.1 PURPOSE AND SCOPE

Best Practice

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

323.1.1 REPORT PREPARATION

Best Practice

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

323.1.2 REPORTS TO FOLLOW

Agency Content

Supervisors have the latitude to allow deputies to turn reports in on their next shift in minor cases. Deputies will not use this practice without the approval of a supervisor. In these cases, the following will be turned in prior to the end of shift:

1. A copy of the complete and accurate face sheet clearly marked "RTF." The supervisor authorizing the RTF will initial his approval on the face sheet.
2. A copy of the news release on any news worthy item.
3. A copy of any property loss sheets.

RTF's will not be allowed if there are any in custody suspect(s) on any case. Nor will RTF's be allowed on the deputies last day of his/her work week.

Report Preparation

323.2 REQUIRED REPORTING

Best Practice

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

323.2.1 CRIMINAL ACTIVITY

Best Practice **MODIFIED**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - (a) Force Option Policy
 - (b) Domestic Violence Policy
 - (c) Child Abuse Policy
 - (d) Senior and Disability Victimization Policy
 - (e) Hate Crimes Policy
 - (f) Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log report with an attached non-prosecution form).

323.2.2 NON-CRIMINAL ACTIVITY

Best Practice **MODIFIED**

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

- (a) Anytime a deputy points a firearm at any person
- (b) Any force option against any person by a member of this department (see the Force Options Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

Report Preparation

- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

323.2.3 DEATH CASES

Best Practice

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

323.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Best Practice **MODIFIED**

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

323.2.5 MISCELLANEOUS INJURIES

Best Practice

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

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

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Report Preparation

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

State

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

Best Practice

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Discretionary

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

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

323.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

Discretionary

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

323.4 REPORT CORRECTIONS

Discretionary

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

323.5 REPORT CHANGES OR ALTERATIONS

Best Practice

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

Report Preparation

323.6 ELECTRONIC SIGNATURES

Best Practice

The Tulare County Sheriff's Office has established an electronic signature procedure for use by all employees of the Tulare County Sheriff's Office. The Patrol Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

323.7 ARRESTS THAT BECOME DETENTIONS

Agency Content

Filing Deputy

After an arrest has been made or a warrant has been requested, in which a report to DOJ has been documented in a criminal history report, it shall be the duty of the filing deputy to learn the filing status of the case from the District Attorney's Office. If the case has been dismissed with no charges filed and there will be no further attempt to change the filing status, the deputy will be responsible for notifying records of the no case filed status at which time the arrest will be changed to a "Detention Only" in the report. It shall be the duty of the records division to issue a detention certificate notifying the detained individual of the detention only status. (PC §§ 849.5 and 851.6.)

Schmidt vs CHP:

These changes are required to ensure continued compliance with the Penal Code sections highlighted in the recent case Schmidt vs CHP which revealed the CHP was not properly following Penal Code sections 849.5 and 851.6. A review of these Penal Code sections has prompted further action on our part when a subject is arrested but no case is filed on that subject.

When a subject is arrested, investigated or submitted for charges to be filed on with the DA's Office in which a Livescan or DOJ Intake form is completed, and/or a record would be generated on a criminal history report as an arrest, it will be the responsibility of the filing deputy to follow up with the DA's office to determine the status of the case filing. If the case was not filed with the court and the deputy will make no further attempts to get that case filed and the investigation resulted in an arrest appearing on the subject's rap sheet, the deputy will be responsible for changing the arrest status to a detention only.

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Report Preparation

Once a deputy makes the change to the report from arrest to detention the crime analyst will review and generate a Detention Only list, which will be forwarded to the Records Division each Monday of the week.

Records staff will review the list and send a Detention Certificate Form Letter to the detainees advising them their original arrest was being downgraded to being a detention only. Records staff will scan the Detention Certificate Form Letter with the original report.

Records staff will then complete Form JUS 8715, (or JUS 8716 for minors), advising the Department of Justice that the arrest was downgraded to a detention only, per final District Attorney's disposition rejecting the case. Records Division will then forward the 8715 form to the Department of Justice. Records staff will then scan both the Detention Certificate and Form JUS 8715 into the original crime report.

Media Relations

324.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 RESPONSIBILITIES

Best Practice

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Lieutenants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 MEDIA REQUEST

Best Practice

MODIFIED

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

324.3 MEDIA ACCESS

State

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

324.3.1 PROVIDING ADVANCE INFORMATION

Best Practice

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

Best Practice MODIFIED

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Lieutenant. This log will generally contain the following information:

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- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Lieutenant (Welfare and Institutions Code § 827.5).

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Lieutenant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

324.4.1 RESTRICTED INFORMATION

State **MODIFIED**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
 - 1. The identities of deputies involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

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- (c) Criminal history information
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (e) Information pertaining to pending litigation involving this department
- (f) Information obtained in confidence
- (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

Court Appearance And Subpoenas

325.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

325.1.1 DEFINITIONS

Agency Content

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

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

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

325.2 POLICY

State

Tulare County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.2.1 SERVICE OF SUBPOENA

Agency Content

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

325.2.2 VALID SUBPOENAS

Agency Content

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

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Court Appearance And Subpoenas

325.2.3 ACCEPTANCE OF SUBPOENA

Agency Content

- (a) Only the employee 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 employee 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 employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

325.2.4 REFUSAL OF SUBPOENA

Agency Content

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Lieutenant of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

325.2.5 COURT STANDBY

Agency Content

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To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

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

325.2.6 OFF-DUTY RELATED SUBPOENAS

Agency Content

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

325.2.7 FAILURE TO APPEAR

Agency Content

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

325.3 CIVIL SUBPOENAS

Best Practice MODIFIED

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

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

325.3.1 PROCEDURE

Best Practice MODIFIED

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

325.3.2 CIVIL SUBPOENA

Best Practice

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

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Court Appearance And Subpoenas

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Best Practice

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 OVERTIME APPEARANCES

Best Practice

MODIFIED

If the deputy appeared on off-duty time, the deputy will be compensated in accordance with the current employee Memorandum of Understanding.

The overtime on such appearance will be paid from the time the deputy left the residence until the deputy returned.

325.5 COURTROOM PROTOCOL

Best Practice

MODIFIED

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

325.5.1 PREPARATION FOR TESTIMONY

Agency Content

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

325.5.2 COURTROOM ATTIRE

Agency Content

Employees shall dress in uniform or business attire. Suitable business attire would consist of a coat, tie, dress pants, dress jacket, dress blouse, skirt or slacks.

Class B utility uniforms are not approved for court appearances.

325.6 COURTHOUSE DECORUM

Best Practice

MODIFIED

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

325.6.1 TESTIMONY

Best Practice

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

Court Appearance And Subpoenas

325.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Best Practice **MODIFIED**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

325.8 ADMINISTRATIVE SUBPOENAS

Agency Content

Subpoenas issued by a legal authority representing the interest of subject employees/s in hearings involving an Administrative Law Judge, will be accepted and within one working day be delivered to the Internal Affairs Unit. The Internal Affairs Unit will maintain a chronological log of the subpoena/s. The Internal Affairs Unit will forward these subpoenas to the Lieutenant in charge of the named employees. That Lieutenant will insure the named employees are served. After which, the proof of service will be returned to the Internal Affairs Unit, who will log the service and provide the issuing legal authority proof of service for their records.

Reserve Deputies

326.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The Tulare County Sheriff's Department Reserve Unit was established to supplement and assist regular sworn sheriff's deputies and correctional deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

326.2 SELECTION & APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

Best Practice MODIFIED

The Tulare County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

326.2.1 PROCEDURE

Best Practice MODIFIED

All applicants shall be required to meet and pass the same pre-employment procedures as regular sworn personnel before appointment.

Before appointment to the Sheriff's Reserve Unit, a reserve deputy sheriff applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

A reserve correctional deputy applicant must have completed the STC Adult C.O.R.E. academy or have completed it within one year of appointment.

326.2.2 APPOINTMENT

Best Practice MODIFIED

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

326.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Best Practice MODIFIED

Compensation for reserve deputies is provided as follows:

Reserve Deputies, due to the nature of the position, incur certain expenses for which they are entitled reimbursement. Reserve Deputies shall be reimbursed based upon specific criteria:

- Number of hours worked per month

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Reserve Deputies who have successfully completed the Field Training Program (FTO) and Reserve Correctional Deputies who have successfully completed the Jail Training Program (JTO) will be reimbursed using the following formula:

Monthly Hours Worked	Monthly Amount
20 to 35 Hours	\$100
36 to 50 Hours	\$200
51 and Up	\$300

326.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Federal **MODIFIED**

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Personnel Lieutenant should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

326.3 DUTIES OF RESERVE DEPUTIES

Best Practice **MODIFIED**

Reserve sheriff deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division. Reserve deputies may be assigned to other areas within the Department as needed.

Reserve correctional deputies assist regular correctional deputies in the custody, care, supervision, security, movement, and transportation of inmates. Assignments of reserve correctional deputies will usually be to augment the Detentions Division. Reserve deputies may be assigned to other areas within the Department as needed.

Reserve deputies are required to work a minimum of 16 hours per month.

326.3.1 POLICY COMPLIANCE

Best Practice **MODIFIED**

Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

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Reserve Deputies

326.3.2 RESERVE DEPUTY ASSIGNMENTS

Best Practice MODIFIED

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

326.3.3 RESERVE COORDINATOR

Best Practice MODIFIED

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Monitoring overall Reserve Program
- (e) Maintaining liaison with other agency Reserve Coordinators

326.4 FIELD TRAINING

State

Penal Code § 832.6 requires Level II reserve deputies, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

326.4.1 TRAINING OFFICERS

Best Practice MODIFIED

After appointment, Reserve Deputy Sheriffs will be assigned to a training officer (FTO) during their 590 hours of mandatory training which must be completed within nine months of appointment.

After appointment, Reserve Correctional Deputies will be assigned to a training officer (JTO) within the facility during their 218 hours of mandatory training which must be completed within six months of appointment.

326.4.2 PRIMARY TRAINING OFFICER

Best Practice MODIFIED

Each new reserve deputy will be issued a Training Manual at the beginning of his/her Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Tulare County Sheriff's Department. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

326.5 SUPERVISION OF RESERVE DEPUTIES

State MODIFIED

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Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Personnel Lieutenant with the approval of the Division Commander.

326.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

State **MODIFIED**

Reserve deputies certified as Level I may, with prior authorization of the Personnel Lieutenant and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Lieutenant may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

326.5.2 RESERVE DEPUTY MEETINGS

Best Practice **MODIFIED**

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

326.5.3 IDENTIFICATION OF RESERVE DEPUTIES

Best Practice

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

326.5.4 UNIFORM

Best Practice **MODIFIED**

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

Reserve Deputies may request a uniform allowance at the end of the fiscal year if they have met the minimum required number of annual hours worked (192). This benefit will only be paid if Uniform Allowance is available for payment under the current MOU with the Deputy Sheriff Association. The Reserve Deputy shall request the uniform allowance through a memo to the Division Commander via the Chain of Command.

326.5.5 INVESTIGATIONS AND COMPLAINTS

Best Practice **MODIFIED**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Internal Affairs Unit, at the discretion of the Division Commander.

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Reserve Deputies

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

326.5.6 RESERVE DEPUTY EVALUATIONS

Best Practice **MODIFIED**

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

326.6 FIREARMS REQUIREMENTS

State **MODIFIED**

Penal Code § 830.6(a)(1) designates a reserve sheriff deputy as having peace officer powers during his/her assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

Penal Code § 830.1(c) designates a deputy with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, as having peace officer powers during his/her assigned tour of duty.

326.6.1 CARRYING WEAPON ON DUTY

Best Practice **MODIFIED**

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on duty. It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

Reserve Correctional Deputies are authorized to carry a loaded firearm while on duty after they have received the Penal Code § 832 class and have qualified at the range.

326.6.2 CONCEALED FIREARMS PROHIBITED

Best Practice **MODIFIED**

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon

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Reserve Deputies

must be registered by the reserve deputy and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed all required training, he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff and/or a Designee. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing with the Tulare County Sheriff's Department Reserve Deputy Program.

326.6.3 RESERVE DEPUTY FIREARM TRAINING

Best Practice **MODIFIED**

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve deputies are required to qualify at biannual department qualifications.
- (b) Should a reserve deputy fail to qualify during a qualification, that reserve deputy will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

326.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

Best Practice

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

327.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.2 MANDATORY SHARING

Best Practice

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Lieutenant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Lieutenant should maintain documentation that the appropriate members have received the required training.

327.3 REPORTING REQUIREMENTS

Best Practice

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Lieutenant.

327.4 REQUESTING OUTSIDE ASSISTANCE

Best Practice

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

327.5 POLICY

Best Practice

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Outside Agency Assistance

It is the policy of the Tulare County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

327.6 ASSISTING OUTSIDE AGENCIES

Best Practice

Generally, requests for any type of assistance from another agency should be routed to the Lieutenant's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Lieutenant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this office will not ordinarily be booked at this office. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

327.6.1 INITIATED ACTIVITY

Best Practice

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Tulare County Sheriff's Office shall notify his/her supervisor or the Lieutenant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

Registered Offender Information

328.1 PURPOSE AND SCOPE

Best Practice

This policy establishes guidelines by which the Tulare County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

328.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

Best Practice MODIFIED

The Day Reporting Center supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

328.3.1 CONTENTS OF REGISTRATION

State

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

328.4 MONITORING OF REGISTERED OFFENDERS

Best Practice MODIFIED

The Investigative Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

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Registered Offender Information

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Tulare County District Attorney's Office investigator assigned to the Safe Team will keep record of compliance checks in the computer data base called "Access" and keep up-to date all PC 290 registrant compliance checks.

The Investigative Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Tulare County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

State **MODIFIED**

Sheriff's Correctional Personnel will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Sheriff's Correctional Personnel who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Tulare County Sheriff's Office's website. Information on sex registrants placed on the Tulare County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Support Services Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

328.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

State

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race

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- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

328.5.2 RELEASE NOTIFICATIONS

State

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

329.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

Best Practice

The Tulare County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Discretionary

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Tulare official
- Arrest of a department employee or prominent Tulare official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

329.4 LIEUTENANT RESPONSIBILITY

Discretionary

The Lieutenant is responsible for making the appropriate notifications. The Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Lieutenant shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

329.4.1 STAFF NOTIFICATION

Discretionary

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Major Incident Notification

In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

329.4.2 DETECTIVE NOTIFICATION

Discretionary

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

329.4.3 PUBLIC INFORMATION OFFICER (PIO)

Discretionary

MODIFIED

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

330.1 PURPOSE AND SCOPE

Best Practice

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

330.2 INVESTIGATION CONSIDERATIONS

Best Practice **MODIFIED**

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in all death investigations.

330.2.1 CORONER REQUEST

State

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

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- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

330.2.2 SEARCHING DEAD BODIES

State

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating deputy shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

330.2.3 DEATH NOTIFICATION

Best Practice

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested

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to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

330.2.4 UNIDENTIFIED DEAD BODIES

Best Practice **MODIFIED**

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

(A) Deoxyribonucleic Acid specimen collection and retention:

(The National Institute of Justice "Best Practices in Missing and Unidentified Persons" indicates that whole bone or hair samples suitable for DNA typing and archiving should be taken from unidentified bodies. The NIJ guide "Types of DNA Samples" states that samples collected from unidentified bodies can include: blood, buccal swabs, hairs, bone, teeth, fingernails, tissues from internal organs (including brain), muscle, and skin.)

The collection of Deoxyribonucleic Acid (DNA) for those cases not mandated by PC 14250 may be necessary in some investigations. In those cases where the collection of these specimens are needed the following will act as a guideline:

The collection of the DNA sample will be completed in the least invasive manner possible to the decedent. These samples should be collected by a member of the Coroner's Office and at the direction of the attending Pathologist. Prior to any collection, a consultation should be conducted with the Pathologist to ensure the sample will yield the best result.

Samples collected in cases involving criminal activity will be retained in the same manner as other evidence collected during a criminal investigation. Those samples collected as part of a Coroner's investigation will be retained by the Coroners Unit.

(B) Tissue, Organ or Bone Sample Collection Guidelines:

Each item should be placed in a clean container without any added fixatives.

Each container should be properly sealed and labeled, and stored in a freezer. When collecting reference samples from postmortem subjects, if the body has decomposed, in addition to the blood sample, collect as many of the following specimens as possible: a portion

of deep muscle tissue, certain organ tissue (e.g. heart or brain/not liver or kidney), 2-4 intact molar teeth (if identification is an issue, ensure that mouth x-rays have been taken), and a sample of compact bone (e.g. femur). The specimens collected should be away from site of injury (i.e. if head injury, do not take sample of brain tissue). Immediately freeze specimens, do not place in any preservative (e.g. formalin).

Collection of Urine, Saliva and Other Body Fluids follows the same rules as blood and blood

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stains.

330.2.5 DEATH INVESTIGATION REPORTING

Best Practice

All incidents involving a death shall be documented on the appropriate form.

330.2.6 SUSPECTED HOMICIDE

Best Practice

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

330.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

State

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

Private Persons Arrests

332.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

State

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

332.3 ARRESTS BY PRIVATE PERSONS

State

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

332.4 DEPUTY RESPONSIBILITIES

State

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or

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restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b) (1). The deputy must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

332.5 REPORTING REQUIREMENTS

Best Practice

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

Anti-Reproductive Rights Crimes Reporting

333.1 PURPOSE AND SCOPE

State

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.).

333.2 DEFINITIONS

State

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

333.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

State **MODIFIED**

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Records Supervisor.
- (c) By the tenth day of each month, it shall be the responsibility of the Records Supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

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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 Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

Federal

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Tulare County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

334.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

Agency Content

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Limited English Proficiency Services

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

334.3 TYPES OF LEP ASSISTANCE AVAILABLE

Federal **MODIFIED**

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. Department personnel 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, the assistance methods described in this section.

334.3.1 BILINGUAL PERSONNEL

Agency Content

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

334.3.2 WRITTEN FORMS AND GUIDELINES

Agency Content

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

334.3.3 AUDIO RECORDINGS

Agency Content

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

334.3.4 TELEPHONE INTERPRETER SERVICES

Agency Content

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The Lieutenant and the Dispatch Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

334.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Agency Content

Where competent bilingual departmental personnel or other County-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see: Section V(3) of the DOJ Final Guidance available at the DOJ [website](#)).

334.4 FOUR-FACTOR ANALYSIS

Federal

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

334.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

Agency Content

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

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its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.4.2 EMERGENCY CALLS TO 9-1-1

Agency Content

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Tulare County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in Dispatch by hiring qualified personnel with specific language skills.

334.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Agency Content

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. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that department personnel 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 an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

334.4.4 INVESTIGATIVE INTERVIEWS

Agency Content

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses

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and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

334.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

Agency Content

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 interpretation 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 interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or 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. Medical screening questions are commonly used to elicit information on an 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, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

334.4.6 COMPLAINTS

Agency Content

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

334.4.7 COMMUNITY OUTREACH

Agency Content

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

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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.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Federal

Tulare County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Federal

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

Federal **MODIFIED**

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) A list of departmental bilingual employees, languages spoken and contact and shift information
- (b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- (c) The telephone number and access code of telephonic interpretation services
- (d) Language identification cards
- (e) Translated *Miranda* warning cards and other frequently used documents
- (f) Audio recordings/warnings that are developed in non-English languages

334.8 QUALIFIED BILINGUAL MEMBERS

Federal

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Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

334.8.1 LEP COORDINATOR

Agency Content

The Sheriff will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Tulare County Sheriff's Office LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Tulare County Sheriff's Office to assess whether they should be considered vital documents and be translated.

334.9 AUTHORIZED INTERPRETERS

Federal

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

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- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

Federal

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Federal

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 CONTACT AND REPORTING

Federal

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may

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be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

334.11 CUSTODIAL INTERROGATIONS

Federal

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.12 COMPLAINTS

Federal

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.13 FIELD ENFORCEMENT

Federal

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

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Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

334.14 BOOKINGS

Federal

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.15 INVESTIGATIVE FIELD INTERVIEWS

Best Practice

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

334.16 COMMUNITY OUTREACH

Best Practice

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Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.17 TRAINING

Federal

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Lieutenant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Communications with Persons with Disabilities

335.1 PURPOSE AND SCOPE

Federal

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

335.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

335.2 POLICY

Federal

It is the policy of the Tulare County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

335.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Agency Content

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and 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.

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335.3 TYPES OF ASSISTANCE AVAILABLE

Federal **MODIFIED**

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 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 employee 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:

335.3.1 FIELD RESOURCES

Agency Content

Individual deputies and employees 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 employee 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

335.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

Agency Content

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, employees 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.

335.3.3 TELEPHONE INTERPRETER SERVICES

Agency Content

The Lieutenant and Dispatch Supervisor 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).

335.3.4 TTY AND RELAY SERVICES

Agency Content

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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.

335.3.5 COMMUNITY VOLUNTEERS

Agency Content

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.

335.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

Agency Content

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees 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).

335.4 FACTORS TO CONSIDER

Federal

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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335.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

Agency Content

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 personnel 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.

335.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

Agency Content

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.

Employees 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. 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, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (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.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, deputies should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

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335.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Agency Content

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. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every deputy in the field. Each deputy and/or supervisor must, however, 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 employees 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.

335.4.4 COMMUNITY OUTREACH

Agency Content

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.

335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Federal

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

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In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Tulare County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

335.6 TYPES OF ASSISTANCE AVAILABLE

Federal

Tulare County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

335.7 FAMILY AND FRIENDS

Federal

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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335.8 TTY AND RELAY SERVICES

Federal

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

335.9 COMMUNITY VOLUNTEERS

Federal

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

335.10 REPORTING

Federal

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

335.11 FIELD ENFORCEMENT

Federal

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may

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involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

335.11.1 FIELD RESOURCES

Federal

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

335.12 CUSTODIAL INTERROGATIONS

Federal

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without

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an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.13 COMPLAINTS

Federal

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

335.14 COMMUNITY OUTREACH

Best Practice

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

335.15 TRAINING

Best Practice

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Lieutenant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Communications with Persons with Disabilities

335.15.1 CALL-TAKER TRAINING

Federal

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Mandatory Employer Notification

336.1 PURPOSE AND SCOPE

State

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.

336.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

State

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

336.2.1 ARREST OF PUBLIC SCHOOL TEACHER

State

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

336.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

State

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

336.2.3 ARREST OF PRIVATE SCHOOL TEACHER

State

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give

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written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

336.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

State

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

336.3 POLICY

Best Practice

The Tulare County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

336.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

State

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Biological Samples

337.1 PURPOSE AND SCOPE

State

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

337.2 POLICY

Best Practice

The Tulare County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

337.3 PERSONS SUBJECT TO DNA COLLECTION

State

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

337.4 PROCEDURE

Best Practice

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

337.4.1 COLLECTION

State

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

Biological Samples

- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

337.5 FORCE OPTIONS TO OBTAIN SAMPLES

Best Practice **MODIFIED**

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

337.5.1 VIDEO RECORDING

Best Practice

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

337.5.2 CELL EXTRACTIONS

State **MODIFIED**

If force options include a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

337.6 LEGAL MANDATES AND RELEVANT LAWS

State

Biological Samples

California law provides for the following:

337.6.1 DOCUMENTATION RELATED TO FORCE

State

The Lieutenant shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

337.6.2 BLOOD SAMPLES

State

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

337.6.3 LITIGATION

State

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Chaplains

338.1 PURPOSE AND SCOPE

Discretionary

This policy establishes the guidelines for Tulare County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

338.2 POLICY

Discretionary

The Tulare County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

338.3 ELIGIBILITY

Discretionary

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

338.4 RECRUITMENT, SELECTION AND APPOINTMENT

Best Practice

The Tulare County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

338.4.1 SELECTION AND APPOINTMENT

Discretionary MODIFIED

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from Pastor or Board of a recognized religious body..

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- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e)

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

338.5 IDENTIFICATION AND UNIFORMS

Discretionary **MODIFIED**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. An optional uniform shirt should be provided upon the initial hire and every 12 months thereafter. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Tulare County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Tulare County Sheriff's Office identification cards, with the exception that "Volunteer" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

338.6 CHAPLAIN COORDINATOR

Best Practice **MODIFIED**

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Lieutenant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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

- (a) Recruiting, selecting and training qualified chaplains.

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- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain call-out roster.
- (d) Forwarding any records for each chaplain and for the group to the Lieutenant or designee for Office retention.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours and forwarding them to the Lieutenant or designee for Office retention.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

338.7 DUTIES AND RESPONSIBILITIES

Discretionary

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Tulare County Sheriff's Office.

338.7.1 COMPLIANCE

Best Practice

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

338.7.2 OPERATIONAL GUIDELINES

Discretionary

MODIFIED

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

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- (b) Generally, each chaplain will serve with Tulare County Sheriff's Office personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with deputies during any shift and observe Tulare County Sheriff's Office operations, provided the Lieutenant has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Department.
- (e) In responding to incidents, a chaplain shall never function as a deputy.
- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (g) Chaplains shall serve only within the jurisdiction of the Tulare County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (h) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

338.7.3 ASSISTING THE DEPARTMENT/OFFICE

Discretionary MODIFIED

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Lieutenant or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

338.7.4 ASSISTING THE COMMUNITY

Discretionary

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.

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- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

338.7.5 CHAPLAIN MEETINGS

Best Practice

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

338.7.6 ASSISTING DEPARTMENT/OFFICE MEMBERS

Discretionary **MODIFIED**

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

338.8 PRIVILEGED COMMUNICATIONS

Discretionary **MODIFIED**

No person who provides chaplain services to members of the Department may work or volunteer for the Tulare County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Tulare County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

Chaplains

338.9 TRAINING

Discretionary **MODIFIED**

Department chaplains will receive a minimum of 2 hours of documented training from the Chaplain Coordinator or designee before officially riding along as a chaplain. This will include Office policy on: Chaplains, Volunteers, Ride Along Policy, and Uniform Regulations. Within 18 months of hire chaplains shall attend a basic chaplain training that demonstrates the fundamentals of a law enforcement chaplain. Ongoing periodic training should be coordinated and approved by the Training Lieutenant, and the Lieutenant in charge of Chaplains and it may include:

- Office approved CLETS training
- Office Approved Driver Safety Course
- First Aide/CPR
- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity
- Any Office approved training related to Chaplain duties.

Child and Dependent Adult Safety

339.1 PURPOSE AND SCOPE

State

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

339.1.1 POLICY

Agency Content

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Tulare County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

339.2 POLICY

Best Practice

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Tulare County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

339.2.1 AFTER AN ARREST

Agency Content

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Deputies should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's

Child and Dependent Adult Safety

familiarity with the surroundings, comfort, emotional state and safety should be paramount.

2. Except when a court order exists limiting contact, the deputy should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
 - (c) Notify Child Protective Services if appropriate.
 - (d) Notify the field supervisor or Lieutenant of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

339.2.2 DURING THE BOOKING PROCESS

Agency Content

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

339.2.3 REPORTING

Agency Content

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

339.3 PROCEDURES DURING AN ARREST

State

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

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- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

339.3.1 DURING THE BOOKING PROCESS

State

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

339.3.2 REPORTING

Best Practice

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex

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3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

339.4 DEPENDENT WELFARE SERVICES

State

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

339.5 TRAINING

State

The Training Lieutenant is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

340.1 PURPOSE AND SCOPE

Federal

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

340.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

340.2 POLICY

Federal

It is the policy of the Tulare County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

340.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Best Practice

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

340.4 MEMBER RESPONSIBILITIES

Federal

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Tulare County Sheriff's Office affords to all members of the public (28 CFR 35.136).

340.4.1 INQUIRY

Federal

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

340.4.2 CONTACT

Federal

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

340.4.3 REMOVAL

Federal

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

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Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

340.4.4 COMPLAINTS

Federal

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

341.1 PURPOSE AND SCOPE

Best Practice

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

341.1.1 DEFINITION OF VOLUNTEER

Best Practice

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

341.2 VOLUNTEER MANAGEMENT

Best Practice

341.2.1 VOLUNTEER COORDINATOR

Best Practice

The Volunteer Coordinator shall be appointed by the Administrative Services Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.

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- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

341.2.2 RECRUITMENT

Best Practice

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

341.2.3 SCREENING

Best Practice

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

341.2.4 SELECTION AND PLACEMENT

Best Practice

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any

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assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

341.2.5 TRAINING

Best Practice

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

341.2.6 FITNESS FOR DUTY

Best Practice

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

341.2.7 DRESS CODE

Best Practice

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

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Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

341.3 SUPERVISION OF VOLUNTEERS

Best Practice

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

341.4 CONFIDENTIALITY

Best Practice

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge

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any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

341.5 PROPERTY AND EQUIPMENT

Best Practice

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

341.5.1 VEHICLE USE

Best Practice

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

341.5.2 RADIO AND MDT USAGE

Best Practice

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

341.6 DISCIPLINARY PROCEDURES/TERMINATION

Best Practice

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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341.6.1 EXIT INTERVIEWS

Best Practice

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

341.7 EVALUATION

Best Practice

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Off-Duty Law Enforcement Actions

342.1 PURPOSE AND SCOPE

Best Practice

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Tulare County Sheriff's Office with respect to taking law enforcement action while off-duty.

342.2 POLICY

Best Practice

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

342.3 FIREARMS

Best Practice

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

342.4 DECISION TO INTERVENE

Best Practice

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

Off-Duty Law Enforcement Actions

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

342.4.1 INTERVENTION PROCEDURE

Best Practice

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Tulare County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

342.4.2 INCIDENTS OF PERSONAL INTEREST

Best Practice

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

342.4.3 NON-SWORN RESPONSIBILITIES

Best Practice

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

342.4.4 OTHER CONSIDERATIONS

Best Practice

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

342.5 REPORTING

Best Practice

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Off-Duty Law Enforcement Actions

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Lieutenant as soon as practicable. The Lieutenant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Office Use of Social Media

343.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

343.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services

343.2 POLICY

Best Practice

The Tulare County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

343.3 AUTHORIZED USERS

Best Practice

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

Office Use of Social Media

343.4 AUTHORIZED CONTENT

Best Practice

Only content that is appropriate for public release, that supports the office mission and conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

343.4.1 INCIDENT-SPECIFIC USE

Best Practice

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

343.5 PROHIBITED CONTENT

Best Practice

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Tulare County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

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Any member who becomes aware of content on this office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

343.5.1 PUBLIC POSTING PROHIBITED

Best Practice

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact department members directly.

343.6 MONITORING CONTENT

Best Practice

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

343.7 RETENTION OF RECORDS

Best Practice

MODIFIED

The Administrative Services Division Commander should work with the Custodian of Records to establish a method of ensuring that content generated in the process of social media use are retained in accordance with established records retention schedules. Unless otherwise prohibited by law, content posted on social media is public record.

343.8 TRAINING

Best Practice

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

Native American Graves Protection and Repatriation

344.1 PURPOSE AND SCOPE

Federal MODIFIED

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

344.1.1 DEFINITIONS

Federal

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

344.2 POLICY

Federal

It is the policy of the Tulare County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

344.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Federal

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner

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as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

344.4 EVIDENCE AND PROPERTY

Federal

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Gun Violence Restraining Orders

345.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

345.1.1 DEFINITIONS

State

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

345.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

345.3 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

State MODIFIED

The Sheriff will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by office members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether there is reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.

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5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 7. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Support Services Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Lieutenant to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, office procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Office.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear (Penal Code § 18108).
1. The investigating deputy shall appear for all required court appearances unless properly dismissed or rescheduled by the court.

345.4 GUN VIOLENCE RESTRAINING ORDERS

State **MODIFIED**

Gun Violence Restraining Orders

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may orally request a temporary order (Penal Code § 18140).

345.4.1 ADDITIONAL CONSIDERATIONS

State

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

345.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

State

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

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- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Support Services Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

345.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

State

A deputy requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Support Services Manager for filing with the court and appropriate databases.

345.6 SEARCH WARRANTS

State

MODIFIED

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the investigating deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The investigating deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the investigating deputy shall not search the contents

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of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

345.7 SUPPORT SERVICES RESPONSIBILITIES

State **MODIFIED**

The Support Services Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Office are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

345.8 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

State

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

345.9 RELEASE OF FIREARMS AND AMMUNITION

State

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

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Gun Violence Restraining Orders

345.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

State **MODIFIED**

The investigating deputy is responsible for the review of a gun violence restraining order obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190). The review shall be documented with a supplemental report.

345.11 POLICY AVAILABILITY

State

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

345.12 TRAINING

State

The Training Lieutenant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Community Relations

346.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

346.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to promote positive relationships between members of the office and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

346.3 MEMBER RESPONSIBILITIES

Best Practice

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the office community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

Community Relations

346.4 COMMUNITY RELATIONS COORDINATOR

Best Practice

The Sheriff or the authorized designee should designate a member of the Office to serve as the community relations coordinator. He/she should report directly to the Sheriff or authorized designee and is responsible for:

- (a) Obtaining office-approved training related to his/her responsibilities.
- (b) Responding to requests from office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the office's relationship with the community.
- (d) Working with community groups, office members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between office members and the community and provide community members with an improved understanding of office operations.
- (e) Working with the Patrol Division Commander to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.
- (f) Recognizing office and community members for exceptional work or performance in community relations efforts.
- (g) Attending County council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the office's response to events that may affect community relations, such as an incident where the conduct of a office member is called into public question.
- (i) Informing the Sheriff and others of developments and needs related to the furtherance of the office's community relations goals, as appropriate.

346.5 SURVEYS

Best Practice

The community relations coordinator should arrange for a survey of community members and office members to be conducted at least annually to assess the condition of the relationship between the Office and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Office
- (b) Overall competence of office members
- (c) Attitude and behavior of office members
- (d) Level of community trust in the Office

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- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff.

346.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

Best Practice

The community relations coordinator should organize or assist with programs and activities that create opportunities for office members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Office-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

346.7 INFORMATION SHARING

Best Practice

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in office operations, comments, feedback, positive events) between the Office and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Office Use of Social Media Policy).
- (c) Office website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

346.8 LAW ENFORCEMENT OPERATIONS EDUCATION

Best Practice

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Office website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Office ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.

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- (g) Youth internships at the Office.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the office regarding alleged misconduct or inappropriate job performance by office members.

346.9 SAFETY AND OTHER CONSIDERATIONS

Best Practice

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

346.10 COMMUNITY ADVISORY COMMITTEE

Best Practice

The Sheriff should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Office to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Office and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Lieutenant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Sheriff may include the committee in the evaluation and development of office policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

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346.10.1 LEGAL CONSIDERATIONS

Best Practice

The Sheriff and the community relations coordinator should work with the County Counsel as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

346.11 TRANSPARENCY

Best Practice

The Office should periodically publish statistical data and analysis regarding the office's operations. The reports should not contain the names of deputies, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding office operations.

346.12 TRAINING

Best Practice

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Peer Support

347.1 PURPOSE AND SCOPE

Agency Content

The Tulare County Sheriff's Office most valuable resource are its employees. The purpose of the Peer Support Program is to assist personnel with stress created in their personal and / or professional lives, so they can continue to be productive members of this department.

The Peer Support Program offers assistance and supportive resources to employees experiencing personal or professional crisis. This assistance is confidential unless disclosure is required by law or by this policy in accordance with Sections 347.5 and 347.7.

This program is designed to:

- Provide emotional support during and after times of personal or professional crisis to employees who express a need for assistance.
- Promote trust, allow appropriate anonymity, and preserve confidentiality for persons using the Peer Support Program.
- Develop Peer Support members who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required.
- Maintain an effective Peer Support training and response program.
- Support those who have had family tragedies.
- Check on status of illnesses and provide support where desired and needed.
- Coordinate services with TCSO Employee Services and TCSO Chaplaincy.

347.1.1 DEFINITIONS

Agency Content

Critical Incident / Traumatic Event : Directly experiencing or witnessing actual or threatened death or serious injury or experiencing a threat to one's own physical integrity or the physical integrity of someone else. Any event that may temporarily overwhelm an individual's usual methods of coping or produce unusual strong reactions.

Critical Incident Stress Debriefing : Deemed appropriate by the Program Manager or their designee, designed to mitigate the psychological impact of a traumatic event and prevent the subsequent development of a post-traumatic stress disorder. Debriefings are a structured group meeting or discussion during which personnel are given an opportunity to discuss their thoughts and reactions concerning a traumatic event in a controlled environment under the direction of a mental health professional and peer support members.

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Peer Assistance : A process by which trained members provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer assistance is sought by the employee in need, or suggested by the employee's peer(s) or supervisor. Peer assistance or support is a necessary adjunct to professional mental health guidance and leadership in trauma support services. Peer assistance is not a replacement for the department's Employee Assistance Program (EAP).

347.2 POLICY

Agency Content

It is the policy of the Tulare County Sheriff's Office to provide department personnel with an informal network of resources and to provide a source of intervention for personal and/or professional issues.

347.3 PROCEDURE

Agency Content

Program Participation

The Peer Support team shall consist of the following positions:

- Program Manager
- Program Coordinator
- Chaplain(s)
- Selected Peer Support Members

Member Selection

Employees interested in becoming a Peer Support member shall submit a letter of interest to the Program Coordinator. For selection to participate in the program, employees shall meet the following criteria:

- Agree to participation in the program.
- Be willing to make yourself available when possible for persons in need.
- Have earned proficient performance evaluations from supervisors.

Formal selections shall be made by the Program Manager and Program Coordinator, with the approval of Command Staff.

Training

- New team members shall attend a minimum of a 24 hour basic peer support course.

Peer Support

- Peer Support members shall participate in periodic training sessions scheduled and developed by the Program Coordinator.

347.4 ROLES AND RESPONSIBILITIES

Agency Content

Role of Program Manager

The Peer Support Program Manager acts as the primary liaison between the support members, resource persons, and TCSO Command Staff. The Program Manager serves as the link to ensure that the Peer Support Program is being managed by the support members in accordance with the goals and objectives established for the program.

Major duties of the Program Manager include:

- Managing the Program.
- Coordinating training of the support members.
- Developing resources to assist individuals when problem areas are identified.
- Maintaining statistical data of reported contacts by support members.

Offering guidance to support members when problems occur.

Role of the Peer Support Coordinator

The Peer Support Coordinator acts as a team leader. The Coordinator will coordinate responses among the support members.

Role of Peer Support Members

The Peer Support member provides support and assistance to employees in time of stress and crisis. Their responsibilities are as follows:

- Convey trust, anonymity, and assure confidentiality to employees who seek assistance from the Peer Support Program.
- Attend periodic Peer Support Program training and meetings.
- Make yourself available for employees in crisis and provide support and assistance as needed.
- Be available for follow-up support
- Maintain contact with the program director regarding the program and report statistical information.

Peer Support

The Peer Support Member is not exempt from Federal, State, local laws, or the rules and regulations of the Department. When necessary, contact the Peer Support Program Manager for assistance and guidance.

347.5 CONFIDENTIALITY

Agency Content

The most important aspect of the Peer Support Program is the promotion of trust, anonymity and confidentiality. With this in mind, it is the intent of the Peer Support Program to keep all communications between Peer Support members and employees involved in critical incidents confidential, with the following exceptions:

- The Peer Support team member believes that the employee is a danger to self or others.
- The information provided to the Peer Support team member constitutes a criminal offense.
- The information to the Peer Support team member relates to conduct that is in violation of state or federal laws or County policies prohibiting unlawful harassment discrimination, and/or retaliation in the workplace. Any such information provided to the Peer Support team member should be disclosed through the proper channels in accordance with County policy.
- Where disclosure is required by law, or pursuant to court order, subpoena, or other legal process.

If any of the above conditions exist, the Program Manager and Program Coordinator shall be notified.

The exceptions to confidentiality are either required by law or deemed necessary. Peer Support team members shall not abdicate their responsibilities to report criminal conduct. If concerns arise, Peer Support members shall contact the Program Coordinator for guidance.

347.6 COMPENSATION

Agency Content

The Peer Support Program is voluntary. You will only be compensated when attending training, but not when meeting someone for Peer Support. Meetings will also be voluntary although if you are on-duty during a scheduled meeting, you will continue to receive compensation if the meeting is during your regular work hours. When on duty and a request is made to provide peer support, the Peer Support member will continue his/her regular shift and advise the person requesting they have the option of choosing someone else or waiting to meet after the member is off duty.

When off duty your time is voluntary. The Peer Support member has an option of responding or declining if they are not available. If a Peer Support member agrees to meet with an employee while off duty, this will be voluntary and they will not be compensated.

Peer Support

347.7 INTERNAL INVESTIGATIONS

Agency Content

It may occur that a support member is assisting an employee who is or becomes the subject of a disciplinary investigation. The support member should be guided by the confidentiality policy of the Peer Support Program. Support members may not hamper or impede the actual investigation nor make the attempt to shelter the employee from the department's investigation.

The support members role in disciplinary situations should be one of support and assisting employees through the stress they may face during the disciplinary process. If support members have any questions or concerns regarding these situations, they should consult with the Program Director for guidelines and assistance.

Patrol Function

400.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

Best Practice

To the extent feasible, all information relevant to the mission of the Office should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3 CROWDS, EVENTS AND GATHERINGS

Best Practice

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY

Best Practice

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Patrol Function

The Tulare County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

400.5 FUNCTION

Best Practice

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Tulare. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidance to office members that affirms the Tulare County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

State

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

Best Practice

The Tulare County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Best Practice

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

State

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

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Bias-Based Policing

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 EMPLOYEE RESPONSIBILITIES

Best Practice **MODIFIED**

Every employee of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Employees should, when reasonable to do so, intervene to prevent any biased-based actions by another employee.

401.4.1 REASON FOR CONTACT

Best Practice

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Agency Content

Each time a deputy makes a traffic stop, the deputy shall report any information required in the Traffic Function and Responsibility Policy.

401.4.3 REPORTING OF STOPS

State

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Tulare County Sheriff's Office is the primary agency, the Tulare County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy's shift or as soon as practicable (11 CCR 999.227).

Bias-Based Policing

401.5 SUPERVISOR RESPONSIBILITIES

Best Practice

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Best Practice

Each year, the Patrol Division Commander should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff.

The annual report should not contain any identifying information about any specific complaint, member of the public or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

State

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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- (b) Pending participation in such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this office who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

State **MODIFIED**

The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the Support Services Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

Briefing Training

402.1 PURPOSE AND SCOPE

Discretionary MODIFIED

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying deputies of changes in schedules and assignments
- (c) Notifying deputies of new General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

Discretionary MODIFIED

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

403.1 PURPOSE AND SCOPE

403.2 CRIME SCENE RESPONSIBILITY

403.2.1 FIRST RESPONDER CONSIDERATIONS

-
- | Service | Percentage |
|-----------------------|------------|
| Online banking | 85% |
| Mobile banking | 78% |
| ATM withdrawals | 72% |
| Bill payments | 65% |
| Credit cards | 58% |
| Peer-to-peer payments | 52% |
| Cash transactions | 45% |

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should

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thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

403.3.1 CONSENT

Deputies should seek written and/or recorded verbal consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

Special Weapons and Tactics Unit (SWAT)

404.1 PURPOSE AND SCOPE

The Special Weapons and Tactics (SWAT) Unit is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Special Weapons and Tactics Team (SWAT) and the Sniper team. The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of patrol officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 3514.1).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to SWAT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units, including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

Special Weapons and Tactics Unit (SWAT)

404.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform five basic operational functions:

- a. Command and Control
- b. Containment
- c. Entry/Apprehension/Rescue
- d. Precision Marksman intervention
- e. Crisis Negotiation

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.

Special Weapons and Tactics Unit (SWAT)

- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
 - 1. Documentation of the incident.

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2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
 - (b) If a critical incident occurs during a SWAT operation, such debriefing, other than an immediate public safety briefing, should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

404.4 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

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404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

404.4.4 SWAT ONGOING TRAINING

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS

The Tactical team from this agency will wear either the approved OD green uniform or the Army multi-cam (OCP) operational camouflage uniform currently authorized by the Sheriff. Both will clearly identify team members as law enforcement officers with subdued Tulare County Sheriff's Office patches on both shoulders, a subdued Tulare County cloth badge over the left breast, the word "S.W.A.T." directly over the left chest pocket and the officer's last name directly over the right chest pocket. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission as directed by the SWAT Commander or the Sheriff.

404.5.2 EQUIPMENT

The SWAT team from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

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404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTIONS

The SWAT Commander shall appoint a SWAT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SWAT facility and equipment maintained or used in SWAT vehicles.

404.6 SUPERVISION OF SWAT UNIT

The Commander of the SWAT Unit shall be selected by the Sheriff.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Investigations Captain the SWAT Unit shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS

The Tactical Operations team, the Precision Marksman team and the Crisis Negotiation Team (CNT) will be supervised by sergeants.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the SWAT Commander.

The following represent the supervisor responsibilities for the SWAT Unit

- a. The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, equipment and other duties as directed by the SWAT Commander.
- b. The Tactical Team supervisor's primary responsibility is to supervise the operations of the Tactical Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.
- c. The Precision Marksman Team supervisor's primary responsibility is to supervise the operations of the Precision Marksman Team which will include deployment, training, first line participation, equipment and other duties as directed by the SWAT Commander.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

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The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memo of interest in the ancillary Crisis Negotiation Team (CNT) assignment to the SWAT Commander via their Chain of Command.

Those deputies selected as members of the Negotiation Team shall attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor under the direction of the SWAT Commander.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Tactical Operations and Precision Marksman teams.

404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a memo of interest in the Tactical Operations and Precision Marksman teams assignment to the SWAT Commander via their Chain of Command.

Those deputies selected as members of the Tactical Operations Team shall attend the Basic SWAT Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor under the direction of the SWAT Commander.

A minimum of 2 training days per month will be required to provide the opportunity for weapons qualification, SWAT tactics/skills instruction, specialized equipment usage, role playing and

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situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the SWAT Commander and team supervisor, will be met and maintained by all team members. Any member of the Tactical Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

Those deputies selected as members of the Precision Marksman Team shall attend the Basic Sniper Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor under the direction of the SWAT Commander.

A minimum of 1 training day per month will be required to provide the opportunity for weapons qualification, SWAT tactics/skills instruction, Specialized equipment usage, role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the SWAT Commander and team supervisor, will be met and maintained by all team members. Any member of the Tactical Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the SWAT Commander, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.9 GUIDELINES FOR SWAT UNIT

The following procedures serve as guidelines for the operational deployment of Special Weapons and Tactics team. Generally, the Tactical operations team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT Commander.

404.9.1 ON-SCENE DETERMINATION

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[REDACTED]

[REDACTED]

404.9.6 FIELD UNIT RESPONSIBILITIES

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [REDACTED]
- [REDACTED]
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- [REDACTED]

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

[REDACTED]

404.9.8 COMMUNICATION WITH SWAT UNIT PERSONNEL

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All of those persons who are non-SWAT personnel should refrain from any non-emergency contact or interference with any member of the unit during active operations. Tactical operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT Unit personnel directly. All non-emergency communications shall be channeled through the Command Post/Incident Commander or his/her designee.

Stray Animals Procedures

405.1 PURPOSE AND SCOPE

Agency Content

It is the policy of the Tulare County Sheriff's Department in cases involving found, stray, or abandoned domestic animals to:

1. Make a reasonable effort to locate and notify the owner or caretaker of said animal.
2. In cases where the owner or caretaker is unknown or unavailable, to arrange for the transportation and temporary holding and caring for said animal.

PROCEDURES

Procedures for implementing this policy are divided according to three animal classifications:

1. Dogs
2. Cattle
3. All other domestic livestock

DOGS - Procedures for found, stray or abandoned.

A. The City of Lindsay, under contract with the County of Tulare, is responsible for the seizure, transportation and custody of found estray and/or abandoned dogs. All calls concerning said dogs which are received during normal business hours shall be referred to the City of Lindsay, Animal Control. The City has expressed a preference of speaking directly with the complainants, however, if this poses an undue inconvenience to the complainant, the Sheriff's Department employee will be expected to obtain sufficient facts, and relay these facts to the Animal Control.

B. In cases which are reported after normal business hours the following sequence of procedures shall be followed:

1. The duty officer or other Sheriff's Department employee will attempt to ascertain from the complainant the name of the dog's owner. If the owner or possible owner is known the employee will attempt to contact the owner by telephone and secure a commitment by the owner to take possession of the dog.
2. If the owner is unknown to the complainant, the employee shall request that the complainant temporarily hold and care for the dog until contacted by the Animal Control Officer. The employee shall then telephone Animal Control and relay the appropriate information.
3. If the complainant is unwilling to hold the dog or if the dog appears to be sick, injured or vicious, a field deputy shall be dispatched to investigate. Deputies shall implement the following procedures.

C. Sick or injured: If the dog appears to be sick or injured, the deputy shall instruct the dispatcher to notify Animal Control to respond immediately.

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D. Vicious: If the dog appears to be abnormally vicious and thereby presents an actual or apparent danger to people, the deputy shall instruct the dispatcher to notify Animal Control to respond immediately. The deputy shall confine, or keep under observation said vicious dog until arrival of the Animal Control Officer.

E. Found, Stray, Abandoned: If the dog appears docile and in normal physical condition, the deputy shall take reasonable steps to ascertain and notify the owner. If the owner cannot be located, the deputy shall seek to find a responsible person to assume temporary control until contacted by Animal Control. The deputy shall instruct the dispatcher to call Animal Control and relay appropriate information.

F. Incident Report: The deputy shall prepare an Incident Report as needed, on a case by case basis.

CATTLE (Bovine) - Procedures for found, stray, or abandoned.

A. The State Food and Agricultural Code designates the Bureau of Livestock Identification as having the responsibilities of seizure and caring for all cattle (bovine) which are found, estray, or abandoned. State Brand Inspectors, having received proper notice, will accept the responsibility and expenses incurred in the transportation and temporary storage of cattle picked-up on the authority of a Sheriff's Deputy, pursuant and limited to procedures described in the Food and Agricultural Code.

B. Notification: To assure proper notification and to protect the interests of all concerned parties, the following procedures shall apply to estray cattle cases:

1. The Brand Inspector shall be notified of any occurrence Monday through Friday, 0800 hours to 1700 hours.
2. If the Brand Inspector cannot respond and it is after business hours, a deputy shall be dispatched to investigate all reported cases of abandoned, loose, or astray cattle.
3. In cases where cattle are reported or found to be loose on a public roadway, the California Highway Patrol shall be requested to supervise traffic control.
4. Upon arrival at the scene, the deputy shall implement the following procedures:
 - a. Locate owner the deputy shall take reasonable steps to ascertain, and notify the owner or caretaker of said bovine animal(s) and secure an immediate removal commitment.
 - b. Temporary Holding If the owner or caretaker cannot be located, the deputy shall seek to find a responsible person with appropriate facilities to assume temporary control of the animal(s) until contacted by the Bureau of Livestock Identification or Animal Control.
 - c. Transport If the owner cannot be located and temporary holding facilities are not available, the deputy shall request Animal Control be notified of the circumstances, including type, size, and number of animals involved. An animal Control Officer will respond to the scene and transport the animal(s).

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d. Notification In all cases where the owner is not located, the reporting deputy is responsible for notifying a Brand Inspector by phone or in person and relaying the pertinent facts of the case. Sheriff's department responsibility and liability terminates upon contact with the Brand Inspector.

e. Report In all cases where the owner is not located, the deputy shall prepare an incident report. The report shall contain details of the case, including:

- (1) Date, time and name of Brand Inspector contacted.
- (2) Full description of animal(s) including brand, if recognizable.
- (3) Any information pertaining to the owner or caretaker.
- (4) Full description of place of storage.
- (5) The case number shall be forwarded to the Ag Crimes Unit.
- (6) Ag Crimes Unit: The Ag Crimes Unit shall forward a copy of the Incident Report to the Supervising Brand Inspector (Fresno Office).

C. The County of Tulare and the Sheriff's Department will not be responsible for expenses incurred in the transportation or boarding of bovine animals. Owner's of the boarded animal(s) shall be instructed to make financial arrangements with the Bureau of Livestock Identification in accordance with state laws and the regulations of that service.

All Other Domestic Livestock - Procedures for found, estray or abandoned animals.

A. Animal Control is responsible for the seizure, transportation and custody of domestic livestock other than cattle.

B. All procedures applicable to cattle cases apply to cases involving other livestock, except that the Livestock Inspection Service will not be contacted.

C. General Procedures

Critically sick or injured livestock shall be referred to the Human Society or disposed of in accordance with Penal Code Section 597f.

Ride-Along Policy

406.1 PURPOSE AND SCOPE

Discretionary

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

406.1.1 ELIGIBILITY

Discretionary

MODIFIED

The Tulare County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 14 years of age (14 is the minimum age for explorers)
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Office
- Denial by any supervisor

406.1.2 AVAILABILITY

Discretionary

MODIFIED

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, Division Commander, or Patrol Lieutenant.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Discretionary

Generally, ride-along requests will be scheduled by the Watch Commander. 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.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Lieutenant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Office will contact the applicant and advise him/her of the denial.

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Ride-Along Policy

406.2.1 PROGRAM REQUIREMENTS

Discretionary **MODIFIED**

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, VIP's, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Patrol Lieutenant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along per station during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Under no circumstances will civilian ride-alongs be allowed to possess any weapons, including CCW's.

406.2.2 SUITABLE ATTIRE

Discretionary **MODIFIED**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Patrol Lieutenant or field supervisor may refuse a ride along to anyone not properly dressed.

406.2.3 PEACE OFFICER RIDE-ALONGS

Discretionary

Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Lieutenant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

406.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

Discretionary

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 Tulare County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

406.3 DEPUTY'S RESPONSIBILITY

Discretionary **MODIFIED**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Ride-Along Policy

406.4 CONTROL OF RIDE-ALONG

Best Practice

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment
- (c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

Hazardous Material Response

407.1 PURPOSE AND SCOPE

State

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

407.1.1 HAZARDOUS MATERIAL DEFINED

State

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

407.2 HAZARDOUS MATERIAL RESPONSE

State

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

407.3 REPORTING EXPOSURE(S)

State MODIFIED

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the

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Hazardous Material Response

employee in an incident report that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor or his designee to complete the reports.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

407.3.1 SUPERVISOR RESPONSIBILITY

State

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

408.1.1 DEFINITIONS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

408.2 POLICY

[REDACTED]

[REDACTED]

[REDACTED]

408.3 COMMUNICATION

[REDACTED]

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408.3.1 EMERGENCY COMMUNICATIONS

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[REDACTED]

LE Policy

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Hostage and Barricade Incidents

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408.4.2 HOSTAGE SITUATION

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Hostage and Barricade Incidents

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408.5 SUPERVISOR RESPONSIBILITIES

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Hostage and Barricade Incidents

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408.6 SWAT RESPONSIBILITIES

[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED].

408.7 REPORTING

[REDACTED]
[REDACTED]

Response to Bomb Calls

409.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

409.2 FOUND EXPLOSIVES/SUSPECT DEVICES

[REDACTED]

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Response to Bomb Calls

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Response to Bomb Calls

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Response to Bomb Calls

[REDACTED]

Mental Illness Commitments

410.1 PURPOSE AND SCOPE

State

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

410.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

410.3 AUTHORITY

State

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

410.3.1 VOLUNTARY EVALUATION

Best Practice

If a deputy encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

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Mental Illness Commitments

410.3.2 RESTRAINTS

Agency Content

If the patient is violent or potentially violent, the deputy will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

410.3.3 MENTAL HEALTH DOCUMENTATION

Agency Content MODIFIED

The deputy will complete the appropriate report for Mental Health staff. The application For 72-Hour Detention for Evaluation and Treatment form (MH-302) will be completed by Mental Health staff. The deputy shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

410.3.4 SECURING OF WEAPONS

Agency Content

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Best Practice

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 SECURING OF PROPERTY

State MODIFIED

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal

Mental Illness Commitments

property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150(e)).

410.5 TRANSPORTATION

Best Practice

When transporting any individual for a 5150 commitment, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Lieutenant approval is required before transport commences.

410.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

Agency Content

- (a) Whenever the handling deputy has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Bureau which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

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- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

410.6 TRANSFER TO APPROPRIATE FACILITY

Best Practice

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

410.7 DOCUMENTATION

Best Practice

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.7.1 ADVISEMENT

State

The deputy taking a person into custody for evaluation shall advise the person of:

- (a) The deputy's name and agency.

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- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.8 CRIMINAL OFFENSES

Best Practice

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

State MODIFIED

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

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Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

State

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Office 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 Office shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

410.10 TRAINING

Best Practice

This office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Cite and Release Policy

411.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

411.2 POLICY

State

It is the policy of the Tulare County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

411.2.1 DISCRETION TO ARREST

Agency Content

While this department recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

411.3 DEPARTMENT PROCEDURE

Best Practice MODIFIED

The following procedure will be followed to comply with this law.

411.3.1 FIELD CITATIONS

State MODIFIED

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest

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Cite and Release Policy

warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1).

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

411.3.2 RELEASE AFTER BOOKING

Best Practice **MODIFIED**

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail.

411.3.3 DISQUALIFYING CIRCUMSTANCES

Agency Content

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 - 1. The Tulare County Sheriff's Office shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
 - 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting deputy, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
 - 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the deputy may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
 - 3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.

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- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.
- (j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form.

411.3.4 INSTRUCTIONS TO CITED PERSON

Agency Content

The citing deputy shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

411.4 MISDEMEANOR WARRANTS

State MODIFIED

An adult arrested on a misdemeanor warrant may be released, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to him/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/her own safety.
- (g) The person has other ineligible charges pending against him/her.

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- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

411.5 REQUESTING CASE NUMBERS

Discretionary **MODIFIED**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Arrest or Detention of Foreign Nationals

412.1 PURPOSE AND SCOPE

Federal MODIFIED

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

412.1.1 DEFINITIONS

Agency Content

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

412.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Federal MODIFIED

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

412.3 LEVELS OF IMMUNITY

Federal MODIFIED

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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.

412.3.1 DIPLOMATIC AGENTS

Agency Content

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.

412.3.2 CONSULAR OFFICERS

Agency Content

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

412.3.3 HONORARY CONSULS

Agency Content

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

412.4 IDENTIFICATION

Federal MODIFIED

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign

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Arrest or Detention of Foreign Nationals

Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Governor's Office of Emergency Services (Cal OES).

412.4.1 VEHICLE REGISTRATION

Agency Content

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the deputy has reason to question the legitimate possession of the license plate.

412.5 ENFORCEMENT PROCEDURES

Federal MODIFIED

The following procedures provide a guideline for handling enforcement of foreign nationals:

412.5.1 CITABLE OFFENSES

Agency Content

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain

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Arrest or Detention of Foreign Nationals

- (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

412.5.2 IN-CUSTODY ARRESTS

Agency Content

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the deputy or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an 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)

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Arrest or Detention of Foreign Nationals

Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Cal OES, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

Arrest or Detention of Foreign Nationals

412.6 TRAFFIC COLLISIONS

Federal **MODIFIED**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

412.6.1 VEHICLES

Agency Content

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.

412.6.2 REPORTS

Agency Content

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Lieutenant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure that notification of Department of State and all necessary follow-up occur.

412.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

Agency Content

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance

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Arrest or Detention of Foreign Nationals

- (c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

412.7.1 ARREST PROCEDURE

Agency Content

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the deputy shall contact 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

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If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, deputies shall provide Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

412.7.2 DOCUMENTATION

Agency Content

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

413.1 PURPOSE AND SCOPE

413.2 POLICY

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

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Rapid Response and Deployment

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Rapid Response and Deployment

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Immigration Violations

414.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidelines to members of the Tulare County Sheriff's Office relating to immigration and interacting with federal immigration officials.

414.1.1 DEFINITIONS

State

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

414.2 POLICY

Federal

It is the policy of the Tulare County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

Best Practice

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

414.3.1 BASIS FOR CONTACT

Agency Content

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien

Tulare County Sheriff's Office

LE Policy

Immigration Violations

shall not be the sole basis for contact, detention, or arrest. This office may not utilize agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.

414.3.2 SWEEPS

Agency Content

The Tulare County Sheriff's Office does not conduct or participate in sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

414.3.3 ICE REQUEST FOR ASSISTANCE

Agency Content

Members of this department may not participate in federal Immigration operations unless it is in direct response to a request for assistance on emergency basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

414.3.4 IDENTIFICATION

Agency Content

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

414.3.5 ARREST

Agency Content

If the Deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

414.3.6 BOOKING

Agency Content

Immigration Violations

If the deputy is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

414.4 IMMIGRATION INQUIRIES PROHIBITED

State **MODIFIED**

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Nothing in this section is meant to prohibit or restrict the sending to, or receiving from, federal immigration authorities, information only regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities status information of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

414.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Agency Content

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigative Bureau sergeant assigned to supervise the handling of any related case. The Investigative Bureau sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

Immigration Violations

- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

414.4.2 HUMAN TRAFFICKING T-VISA

Agency Content

Deputies and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

414.4.3 TIME FRAMES FOR COMPLETION

Agency Content

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice, authorized to represent the victim in immigration proceedings (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received

414.4.4 POLICE REPORTS

Agency Content

Upon request, a deputy or supervisor should provide a victim or licensed attorney representing a victim, or representative fully accredited by the United States Department of Justice, authorized to represent a victim in immigration proceedings with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

414.4.5 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

State

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

Immigration Violations

414.5 INFORMATION SHARING

Federal **MODIFIED**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following only regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

This office shall not share information regarding an individual's release date with immigration authorities unless such information is already public or sharing such information is in response to a notification request from immigration authorities in accordance with Government Code § 7282.5. Additionally, unless the information is already public, this office shall not share personal information as defined in Civil Code § 1798.3.

414.5.1 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

State **MODIFIED**

The Compliance Unit shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Support Services Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the [Records Bureau] Policy).

Patrol Rifles

415.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Tulare County Sheriff's Office will make patrol rifles available to qualified patrol deputies, as an additional and more immediate tactical resource. Court Services and the Detention Transportation Unit will have rifles issued. Rifles assigned to these units will only be utilized by qualified deputies.

415.2 PATROL RIFLE

The following list of rifles may be used in patrol duties only after pre-approved in writing by the Sheriff or his designee and the department armorer:

- Ruger Mini 14
- Bushmaster AR-15
- DPMS AR-15
- Smith & Wesson AR-15
- Wilson Combat AR-15
- Olympic AR-15
- Colt AR-15
- All above listed rifles in .223 Caliber only

415.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Sheriff or his designee and the department armorer.

415.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff, and issued by the Department may be used by deputies in their law enforcement responsibilities. Ammunition will be new factory loaded hollow point or soft point. The authorized patrol rifle issued by the Department is the Colt AR-15, Smith & Wesson AR-15, and Ruger Mini 14

415.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect and service each patrol rifle on an annual basis.

LE Policy

- (b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as “out of service” and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

Any deputy who fails to qualify within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol deputies user's course and qualification.

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Tulare County Sheriff's Office

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Patrol Rifles

415.7 DISCHARGE OF THE PATROL RIFLE

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

415.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, the fire selector switch is in the safe position, the chamber is empty and a magazine loaded two rounds short of full capacity is inserted into the magazine well.

415.9 RIFLE STORAGE

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Aircraft Accidents

416.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Best Practice

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Best Practice

Members should address emergency medical issues and provide care as a first priority.

Aircraft Accidents

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

416.5 NOTIFICATIONS

Best Practice

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Best Practice

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

Aircraft Accidents

416.7 DANGEROUS MATERIALS

Best Practice

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

Best Practice

All aircraft accidents occurring within the County of Tulare shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of TCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

Federal

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Best Practice

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.

Aircraft Accidents

- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

Best Practice

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Industrial Accidents

417.1 DEFINITION

Agency Content

An Industrial Accident as defined by the California Occupational Safety and Health Association is an accident or illness suffered as a result of paid employment in an employee - employer relationship.

417.1.1 PROCEDURE

Agency Content

A. Upon receipt of a call reporting an Industrial Accident, the dispatcher receiving the call should determine if possible the extent of injury.

B. If the injury is one requiring emergency medical equipment, for loss of life or limb, a patrol unit should be dispatched to determine if a report is necessary.

Notify Division of Occupational Safety and Health, Fresno District Office, 2550 Mariposa Mall Room 4000, Fresno, CA 93721 phone (559) 445-5302

C. If the injury does not require emergency equipment, or is not for loss of life or limb, it is not necessary to dispatch a patrol unit to take a report.

Field Training Officer Program

418.1 PURPOSE AND SCOPE

State

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Tulare County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

418.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

State

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

418.2.1 SELECTION PROCESS

Best Practice MODIFIED

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of two years of patrol experience, one of which shall be with this department
- (c) Demonstrated ability as a positive role model.
- (d) Evaluation by supervisors and current FTOs
- (e) Possess a POST Basic certificate

418.2.2 TRAINING

State

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

Field Training Officer Program

418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

State

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

418.4 TRAINEE DEFINED

State

Any entry level or lateral sheriff's deputy newly appointed to the Tulare County Sheriff's Office who has successfully completed a POST approved Basic Academy.

418.5 REQUIRED TRAINING

State

MODIFIED

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 14 weeks.

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 6 weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

418.5.1 FIELD TRAINING MANUAL

Best Practice

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Tulare County Sheriff's Office. The deputy shall become knowledgeable of

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the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Tulare County Sheriff's Office.

418.6 EVALUATIONS

State

Evaluations are an important component of the training process and shall be completed as outlined below.

418.6.1 FIELD TRAINING OFFICER

State

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

418.6.2 IMMEDIATE SUPERVISOR

State

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

418.6.3 TRAINEE

State

MODIFIED

At the completion of the Field Training Program, the trainee shall submit a FTO Critique Evaluation on each of their FTOs and on the Field Training Program.

418.7 DOCUMENTATION

State

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Outside Agency Air Support

419.1 PURPOSE AND SCOPE

Best Practice

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

419.2 REQUEST FOR HELICOPTER ASSISTANCE

Best Practice

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

Best Practice

MODIFIED

After consideration and approval of the request for a helicopter, the supervisor, or his/her designee, will call the closest agency having helicopter support available. The supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

419.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Best Practice

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.1.1 DEFINITIONS

Federal **MODIFIED**

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview - A consensual Interview or the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a consensual contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person may be connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

420.2 POLICY

Federal

The Tulare County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

420.3 FIELD INTERVIEWS

Federal

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Tulare County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

420.3.1 INITIATING A FIELD INTERVIEW

Federal

MODIFIED

When initiating the stop or contact, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop or contact. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the deputy

420.4 PAT-DOWN SEARCHES

Federal

MODIFIED

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons without consent if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.

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- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

420.5 FIELD PHOTOGRAPHS

Best Practice

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Best Practice

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

420.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Federal

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

420.5.3 DISPOSITION OF PHOTOGRAPHS

Best Practice **MODIFIED**

All detainee photographs must be adequately labeled and submitted to the Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Sergeant should review and forward the photograph to one of the following locations:

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- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

420.5.4 SUPERVISOR RESPONSIBILITIES

Best Practice

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.6 WITNESS IDENTIFICATION AND INTERVIEWS

Best Practice

MODIFIED

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement via a digital recording device and not a body camera should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Tulare County Sheriff's Office members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

421.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to ensure that the Tulare County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

421.1.1 DEFINITIONS

State

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

421.2 POLICY

Best Practice

The Tulare County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

421.3 CRIMINAL INTELLIGENCE SYSTEMS

Federal

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

421.3.1 SYSTEM ENTRIES

Federal

Criminal Organizations

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Support Services Manager may not purge such documents without the approval of the designated supervisor.

421.3.2 GANG DATABASES

State

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Office, the basis for that designation, and the name of the agency that made the designation. The Office shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the office's decision within 30 days of receipt of the

Criminal Organizations

written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

421.4 TEMPORARY INFORMATION FILE

Best Practice

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

421.4.1 FILE CONTENTS

Best Practice

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

421.4.2 FILE REVIEW AND PURGING

Best Practice

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

Criminal Organizations

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

421.5 INFORMATION RECOGNITION

Best Practice

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Lieutenant to train members to identify information that may be particularly relevant for inclusion.

421.6 RELEASE OF INFORMATION

Best Practice

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

421.7 CRIMINAL STREET GANGS

Best Practice

The Investigative Bureau supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).

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2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
-
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
 - (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

421.8 TRAINING

Best Practice

The Training Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Patrol Lieutenants

422.1 PURPOSE AND SCOPE

Discretionary

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.

Fleet Camera Systems

423.1 PURPOSE AND SCOPE

Discretionary MODIFIED

The Tulare County Sheriff's Office has cars with Fleet Camera Systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

Activate - Any process that causes the fleet camera system to transmit or store video or audio data in an active mode.

Fleet Camera Systems - Refers to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Fleet Camera System Technician - Personnel certified or trained in the operational use and repair of Fleet Camera Systems, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

423.3 DEPUTY RESPONSIBILITIES

Discretionary MODIFIED

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Tulare County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the fleet camera system's operation in accordance with manufacturer specifications and department operating procedures and training.

Fleet Camera Systems

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

423.4 ACTIVATION OF THE FLEET CAMERA SYSTEMS

Best Practice **MODIFIED**

The fleet camera system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

423.4.1 REQUIRED ACTIVATION OF FLEET CAMERA SYSTEMS

Best Practice **MODIFIED**

This policy is not intended to describe every possible situation in which the fleet camera system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the fleet camera system. The fleet camera system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or applied force options
 - 8. Pedestrian checks
 - 9. DWI/DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which a deputy would normally notify Dispatch

Fleet Camera Systems

- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

423.4.2 CESSATION OF RECORDING

State **MODIFIED**

Once activated, the fleet camera system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Best Practice **MODIFIED**

Activation of the fleet camera system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 SUPERVISOR RESPONSIBILITIES

Best Practice **MODIFIED**

Supervisors should determine if vehicles with non-functioning fleet camera systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the fleet camera system media.

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2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of fleet camera systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, fleet camera technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the fleet camera system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the fleet camera system for the purpose of monitoring the conversations or actions of a deputy.

423.5 REVIEW OF FLEET CAMERA SYSTEM RECORDINGS

Best Practice **MODIFIED**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department fleet camera technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of fleet camera systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings

Fleet Camera Systems

- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Sheriff or the authorized designee
- (i) By the media through proper process or with permission of the Sheriff or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived fleet camera system recording should submit a request in writing to the Lieutenant.

423.6 DOCUMENTING FLEET CAMERA SYSTEM USE

Best Practice **MODIFIED**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

Best Practice **MODIFIED**

All recording media is automatically downloaded into the storage system. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

423.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Best Practice

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

423.7.2 FLEET CAMERA SYSTEM RECORDINGS AS EVIDENCE

Best Practice **MODIFIED**

Deputies who reasonably believe that a fleet camera system recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Tulare County Sheriff's Office should indicate this in a report. Deputies should ensure relevant recordings are preserved, by marking it in the viewing system.

Fleet Camera Systems

423.8 SYSTEM OPERATIONAL STANDARDS

Discretionary **MODIFIED**

- (a) Fleet Camera system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The fleet camera system should be configured to minimally record for 30 seconds prior to an event.
- (c) The fleet camera system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other fleet camera system transmitters.
- (e) Deputies using digital transmitters that are synchronized to their individual fleet camera shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside fleet camera-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the fleet camera system.
- (g) Deputies shall not erase, alter, reuse, modify or tamper with fleet camera system recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the fleet camera system technician.

423.9 FLEET CAMERA SYSTEM TECHNICIAN RESPONSIBILITIES

Discretionary **MODIFIED**

The fleet camera system technician is responsible for:

- (a) Conducting system maintenance

423.10 TRAINING

Best Practice **MODIFIED**

All members who are authorized to use the fleet camera system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

424.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The Mobile Data Terminal (MDT) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

424.2 MDT USE

Agency Content

The MDT shall be used for official sheriff's communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDT use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT unless otherwise authorized by the Lieutenant.

424.2.1 USE WHILE DRIVING

Agency Content

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.2.2 DOCUMENTATION OF ACTIVITY

Agency Content

MDT's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact;
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDT.

424.2.3 STATUS CHANGES

Agency Content

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Mobile Data Terminal Use

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriff's radio or through the MDT system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT's.

424.2.4

Agency Content

424.3 MDT CONSIDERATIONS

Agency Content

It is the responsibility of each officer to ensure that the MDT in the vehicle is functioning at the beginning of their shift. If the MDT is found to be non-functioning or damaged, they are to notify their supervisor immediately.

424.3.1 NON-FUNCTIONING MDT

Agency Content

Whenever possible, deputies will not use units with malfunctioning MDT's. Whenever deputies must drive a unit in which the MDT is not working, they shall notify Dispatch. It shall be responsibility of Dispatch to record all information that will then be transmitted verbally over the sheriff's radio.

424.3.2 BOMB CALLS

Agency Content

When investigating reports of possible bombs, deputies will turn off their MDT's. Operating the MDT may cause some devices to detonate.

Body Worn Cameras

425.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy provides guidelines for the use of Body Worn Camera recording devices by members of this office while in the performance of their duties. Body Worn Camera recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to Fleet Camera System recordings, interviews or interrogations conducted at any Tulare County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

425.2 POLICY

Best Practice

The Tulare County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

425.3 MEMBER PRIVACY EXPECTATION

Best Practice

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity for this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

425.4 MEMBER RESPONSIBILITIES

Discretionary MODIFIED

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a body worn camera issued by the Office, and that the body worn camera is in good working order. If the body worn camera is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the body worn camera in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved body worn camera at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the body worn camera in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Body Worn Cameras

When using a body worn camera, the assigned member shall record his/her name, TCSO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the body worn camera malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

425.4.1 SUPERVISOR RESPONSIBILITIES

State **MODIFIED**

Supervisors should take custody of a body worn camera recording device as soon as practicable when the device may have captured an incident involving applied force options, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

425.5 ACTIVATION OF THE BODY WORN CAMERA

Best Practice **MODIFIED**

This policy is not intended to describe every possible situation in which the body worn camera should be used, although there are many situations where its use is appropriate.

The Department recognizes that employee safety is paramount for both user and management. Bearing this in mind, all employees assigned a BWC, shall activate the BWC upon being dispatched, whether assigned by Dispatch or self-dispatched, to a call or have any contact with the public during law enforcement activities. This includes, but is not limited to the following events:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Any contact and self-initiated activity

425.5.1 RECORDING THE ENTIRE CONTACT

Agency Content

If the BWC is in use during enforcement and investigative activity, it shall remain on for the entire contact, investigation, transportation, or arrest. Deputies may mute the BWC when the following situations arise: it becomes necessary to discuss issues or concerns with another deputy or supervisor in private, when personnel reasonably believe doing so will not result in the loss of critical information, to protect tactical or confidential discussion or briefings, or when directed to do so by a supervisor. The intention to mute the recording shall be verbally noted by the deputy before switching the device to mute and documented in any associated reports. When the private conversation has ended, the recording shall resume.

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Body Worn Cameras

At no time is a member expected to jeopardize his/her safety in order to activate a body worn camera or change the recording media. However, the body worn camera should be activated in situations described above as soon as reasonably practicable.

Employees should remain cognizant of the redaction capabilities available and the importance of demonstrating the strategies and tactics used to de-escalate volatile situations with the public. Not all discussions involving tactical considerations or supervisor notifications qualify or require the use of muting the BWC. The use of muting should be limited to communications that could be detrimental to further investigations or operations if made public.

If the investigation results in an arrest, The BWC shall remain on until arrival at the jail and entry into the facility.

425.5.2 SURREPTITIOUS USE OF THE BODY WORN CAMERA

State MODIFIED

Members of the Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee. When practical, employees will advise other Department members, other emergency responders, or other law enforcement or criminal justice personnel that the recording is taking place.

425.5.3 EXPLOSIVE DEVICE

Best Practice

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

425.5.4 CESSATION OF RECORDING

State MODIFIED

Once activated, the body worn camera should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

425.6 PROHIBITED USE OF BODY WORN CAMERAS

Best Practice MODIFIED

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Body Worn Cameras

Members are prohibited from using office-issued body worn cameras and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Lieutenant. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

425.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

State **MODIFIED**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with body worn cameras is prohibited (Penal Code § 832.19).

425.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

Best Practice

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Body Worn Cameras

425.8 REVIEW OF RECORDED MEDIA FILES

Best Practice

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

425.9 COORDINATOR

State MODIFIED

The Sheriff or the authorized designee shall appoint a member of the Office to coordinate the use and maintenance of body worn camera recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable body worn camera recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

Body Worn Cameras

- (g) Maintaining logs of access and deletions of recordings.

425.10 RETENTION OF RECORDINGS

Best Practice **MODIFIED**

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving force options by a deputy
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against a deputy or the Tulare County Sheriff's Office

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

425.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Best Practice

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Medical Marijuana

426.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

426.1.1 DEFINITIONS

State

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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Medical Marijuana

426.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to prioritize resources to forgo making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Tulare County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

426.3 INVESTIGATION

State

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

State

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

426.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

State

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.

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- (d) The person possesses marijuana but not for personal medical purposes.

Deputies who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

426.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

State

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the deputy reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Deputies are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Deputies should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Deputies should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

426.3.4 ADDITIONAL CONSIDERATIONS

State

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
1. The suspect has been identified and can be easily located at a later time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Other relevant factors, such as available office resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 1. The amount of marijuana recommended by a medical professional to be ingested.
 2. The quality of the marijuana.
 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

426.3.5 EXCEPTIONS

State

This policy does not apply to, and deputies should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 1. In any place where smoking is prohibited by law.
 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.

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3. On a school bus.
 4. While in a motor vehicle that is being operated.
 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

426.4 FEDERAL LAW ENFORCEMENT

Federal

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

426.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

Best Practice

The Property and Evidence Unit supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Unit supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Unit supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Bureau supervisor.

427.1 PURPOSE AND SCOPE

427.1.1 POLICY

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

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Foot Pursuit Policy

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Foot Pursuit Policy

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Automated License Plate Readers (ALPRs)

428.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

428.2 ADMINISTRATION

Best Practice

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Tulare County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Services Division Commander. The Administrative Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

428.2.1 ALPR ADMINISTRATOR

State

The Administrative Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

428.3 OPERATIONS

State

Tulare County Sheriff's Office

LE Policy

Automated License Plate Readers (ALPRs)

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

428.4 ALPR DATA COLLECTION AND RETENTION

Best Practice **MODIFIED**

All data and images gathered by an ALPR are for the official use of the Tulare County Sheriff's Office and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Administrative Services supervisor is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6), and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

428.5 ACCOUNTABILITY

State

Tulare County Sheriff's Office

LE Policy

Automated License Plate Readers (ALPRs)

All data will be closely safeguarded and protected by both procedural and technological means. The Tulare County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

428.6 POLICY

Best Practice

The policy of the Tulare County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

428.7 RELEASING ALPR DATA

Best Practice

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administrative Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

Public Recording of Law Enforcement Activity

429.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

429.2 POLICY

Best Practice

The Tulare County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

429.3 RECORDING LAW ENFORCEMENT ACTIVITY

Federal

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
 - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

429.4 DEPUTY RESPONSE

Best Practice **MODIFIED**

Deputies should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the

Public Recording of Law Enforcement Activity

recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

429.5 SUPERVISOR RESPONSIBILITIES

Best Practice

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

429.6 SEIZING RECORDINGS AS EVIDENCE

Federal

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

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Public Recording of Law Enforcement Activity

- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Homeless Persons

430.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Tulare County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Tulare County Sheriff's Office will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following when serving the homeless community.

430.1.1 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

430.2 HOMELESS COMMUNITY LIAISON

Best Practice **MODIFIED**

The Sheriff will designate members of this office to act as the Homeless Liaison Deputies assigned to the Homeless Enforcement and Resource Team (HEART). The responsibilities of HEART deputies include the following:

- (a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

Homeless Persons

430.3 FIELD CONTACTS

Best Practice

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

430.3.1 OTHER CONSIDERATIONS

Best Practice

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

430.4 PERSONAL PROPERTY

Best Practice MODIFIED

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies will make reasonable accommodations to permit the person to lawfully secure his/her personal property.

Homeless Persons

Otherwise, the personal property will be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or HEART deputies. When practicable, requests by the public for clean-up of a homeless encampment should be referred to HEART deputies.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform HEART deputies if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of HEART deputies to address the matter in a timely fashion.

430.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Best Practice

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

430.6 ECOLOGICAL ISSUES

Best Practice

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Civil Disputes

431.1 PURPOSE AND SCOPE

Best Practice

This policy provides members of the Tulare County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

431.2 POLICY

Best Practice **MODIFIED**

The Tulare County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, deputies of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, deputies will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

431.3 GENERAL CONSIDERATIONS

Best Practice **MODIFIED**

When appropriate, deputies handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Deputies must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, deputies should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and deputies should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Deputies should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Deputies shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Deputies are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Deputies should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

431.4 COURT ORDERS

Best Practice

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

431.4.1 STANDBY REQUESTS

Best Practice MODIFIED

Deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Deputies should accompany the person to the location of the property. Deputies should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

431.5 VEHICLES AND PERSONAL PROPERTY

Best Practice

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

Civil Disputes

431.6 REAL PROPERTY

Best Practice

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Crisis Intervention Incidents

432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

432.2 POLICY

The Tulare County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

432.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

LE Policy

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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Crisis Intervention Incidents

432.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

432.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Crisis Intervention Incidents

432.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any force option, including the use of restraints, and ensure that those subjected to an applied force option are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

432.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

432.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

432.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the

Tulare County Sheriff's Office

LE Policy

Crisis Intervention Incidents

person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

432.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this office should ensure that a thorough review and analysis of the office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

432.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

First Amendment Assemblies

433.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidance for responding to public assemblies or demonstrations.

433.2 POLICY

Best Practice

The Tulare County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

433.3 GENERAL CONSIDERATIONS

Best Practice

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

First Amendment Assemblies

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

433.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Best Practice **MODIFIED**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

The use and retention of photographs and video recording shall be in compliance with Portable Audio/Video Recorders Policy.

433.4 UNPLANNED EVENTS

Best Practice

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

433.5 PLANNED EVENT PREPARATION

Best Practice

First Amendment Assemblies

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

433.5.1 INFORMATION GATHERING AND ASSESSMENT

Best Practice

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

433.5.2 OPERATIONAL PLANS

Best Practice **MODIFIED**

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan shall provide as necessary or practicable:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multi-jurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff only as practicable or necessary.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.

First Amendment Assemblies

- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and applied force options in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for force options.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

433.5.3 MUTUAL AID AND EXTERNAL RESOURCES

Best Practice

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

433.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

Best Practice

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

First Amendment Assemblies

433.7 FORCE OPTIONS

Best Practice **MODIFIED**

Force Options is governed by current office policy and applicable law (see the Force Options, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

433.8 ARRESTS

Best Practice

The Tulare County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

First Amendment Assemblies

433.9 MEDIA RELATIONS

Best Practice

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

433.9.1 MEDIA ACCESS

State

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

433.10 DEMOBILIZATION

Best Practice

MODIFIED

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including force option reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

433.11 POST EVENT

Best Practice

MODIFIED

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, force option, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

433.11.1 AFTER-ACTION REPORTING

Best Practice

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

Tulare County Sheriff's Office

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First Amendment Assemblies

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

433.12 TRAINING

State

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

433.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

State

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

433.13.1 USE SUMMARY

State

The Patrol Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the office website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the information required in Penal Code § 13652.1.

Medical Aid and Response

434.1 PURPOSE AND SCOPE

Best Practice

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

434.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

434.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Best Practice **MODIFIED**

Whenever practicable, members should take appropriate steps to provide initial medical aid in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

434.4 TRANSPORTING ILL AND INJURED PERSONS

Best Practice

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

434.5 PERSONS REFUSING EMS CARE

Best Practice

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

434.6 SICK OR INJURED ARRESTEE

Best Practice

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

Medical Aid and Response

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

434.7 MEDICAL ATTENTION RELATED TO FORCE OPTIONS

Best Practice **MODIFIED**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Force Options, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

434.8 AIR AMBULANCE

Discretionary **MODIFIED**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The on scene Incident Commander or Designee should make all decisions for a landing zone and be in communication with the pilot. The pilot has sole responsibility of the aircraft and the final decision to land at the designated landing site.

Guidelines for the Incident Commander or Designee:

- Designate a landing zone and if possible, have direct communication with the pilot.
- Secure the landing area and maintain security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Determine means for ground personnel to communicate with flight personnel during the operation.

PRECAUTIONS

Medical Aid and Response

Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

434.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

State

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

434.9.1 AED USER RESPONSIBILITY

State

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

434.9.2 AED REPORTING

Best Practice

Any member using an AED will complete an incident report detailing its use.

434.9.3 AED TRAINING AND MAINTENANCE

State

MODIFIED

The Training Lieutenant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Department Safety Officers will be responsible for monthly inspections and ensuring the AEDs are properly maintained. Each sub-station or detention facility Safety Officer will inspect each office AED device monthly and document the findings in the AED Maintenance Log. The AED

Medical Aid and Response

Maintenance Logs will be emailed to the Compliance Safety Officer by the first of each month. The Compliance Unit or designee will retain these records in accordance with the established records retention schedule (22 CCR 1000021).

The contracted medical provider assigned to Tulare County Detention Facilities will be responsible for maintaining their AED devices.

434.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Agency Content

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to determine competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Medical Services Agency (LEMSA).
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

434.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Agency Content

Members who are authorized and trained to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Health and Human Services representative.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

434.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Agency Content

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Support Services Manager will be responsible to assure that the Tulare County Sheriff's Office (TCSO) Records Department provides the necessary information and reports to the appropriate Health and Human Services agency representative to meet the applicable state reporting requirements.

434.10.3 OPIOID OVERDOSE MEDICATION TRAINING

Agency Content

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Medical Aid and Response

The Training Lieutenant or designee should ensure initial and refresher training is provided to members authorized and trained to administer opioid overdose medication. Training should comply with requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

434.11 FIRST AID TRAINING

State

The Training Lieutenant should ensure deputies receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

Best Practice

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Best Practice

Several factors are considered in the development of deployment schedules for deputies of the Tulare County Sheriff's Office. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

State

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

Traffic Function and Responsibility

500.3.1 WARNINGS

Best Practice

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Best Practice

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Best Practice

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

State

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

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Traffic Function and Responsibility

500.5 HIGH-VISIBILITY VESTS

Federal

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Federal

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

Best Practice

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

Discretionary MODIFIED

The Tulare County Sheriff's Department prepares non-injury vehicle accidents which occur on private property under the amount of \$750.00 in damage. The California Highway Patrol investigates and prepares reports for injury traffic accidents on private property. Pursuant to California Vehicle code 16000 if the damage exceeds \$750.00 in a private property collision then it is a reportable accident and it is California Highway Patrol's responsibility to take the report.

501.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

Discretionary MODIFIED

The Patrol Sergeant will notify the Patrol Lieutenant whenever an employee of this department, either on or off duty, operating a county owned vehicle, becomes involved in a traffic collision within the jurisdiction of the Tulare County Sheriff's Department or out of county, resulting in a non-injury, property damage, injury, serious injury or fatality. The patrol Sergeant will also call out the California Highway Patrol to investigate the accident. The term serious injury is defined as any injury that may result in a fatality.

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

Best Practice

This policy provides the procedures for towing a vehicle by or at the direction of the Tulare County Sheriff's Office. Nothing in this policy shall require the Office to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

State

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

State

Office members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

Best Practice **MODIFIED**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request a rotational tow. The deputy will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES

State

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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Vehicle Towing and Release

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Office will not be responsible for theft or damages.

502.2.4 DRIVING A NON-COUNTY VEHICLE

Best Practice MODIFIED

Vehicles which have been towed by or at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs, and/or for Asset Forfeiture proceedings.

502.2.5 DISPATCHER'S RESPONSIBILITIES

Best Practice MODIFIED

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

Dispatch personnel shall promptly enter pertinent data from the completed form (CHP Form 180) into the Stolen Vehicle System and return the form to the law enforcement officer who initiated the tow (Vehicle Code § 22651.5(b); Vehicle Code 22851.3 (b)).

502.3 TOWING SERVICES

Best Practice MODIFIED

The County of Tulare periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When a vehicle is being held as evidence in connection with an investigation.
- (b) When a vehicle is owned by the County of Tulare.

502.3.1 ROTATIONAL TOWS (CALIFORNIA HIGHWAY PATROL APPROVED ROTATIONAL TOW LIST)

Agency Content

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Vehicle Towing and Release

Deputies will notify dispatch when requesting a rotational tow. Rotational tows will be used in the following situations:

- a. When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- b. When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal.
- c. Vehicles obstructing traffic in violation of state or local regulations.

502.3.2 REQUIRED ADMINISTRATION FEE FOR RELEASE OF TOWED VEHICLES

Agency Content

Pursuant to California Vehicle Code 22850.0 an administrative fee is now required for release of all vehicles towed and stored with the exception of vehicles taken as evidence. Deputies storing a vehicle will advise the operator of the vehicle of this policy and provide the operator and/or registered owner with a green colored vehicle release information sheet.

502.4 VEHICLE INVENTORY

Best Practice

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Federal

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

State

The Office will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

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Vehicle Towing and Release

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

State

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

State

When a vehicle is stored or impounded by any member of the Tulare County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

Best Practice

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

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Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Traffic Citations

504.1 PURPOSE AND SCOPE

Best Practice

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

504.2 RESPONSIBILITIES

Best Practice MODIFIED

The Property & Evidence Unit shall be responsible for the supply and accounting of all Office traffic citations to Patrol stations of this office..

504.3 DISMISSAL OF TRAFFIC CITATIONS

Best Practice MODIFIED

Employees of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Lieutenant of the specific Substation which issued the citation.. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

504.4 VOIDING TRAFFIC CITATIONS

Best Practice MODIFIED

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

504.5 CORRECTION OF TRAFFIC CITATIONS

Best Practice MODIFIED

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Patrol Lieutenant. The Patrol Lieutenant will

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have his staff prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

504.6 DISPOSITION OF TRAFFIC CITATIONS

Best Practice **MODIFIED**

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this office, all employees issued traffic citation books shall return any unused citations to Property and Evidence..

504.7 JUVENILE CITATIONS

Best Practice

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

505.1 PURPOSE AND SCOPE

State MODIFIED

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

505.2 DEPUTY RESPONSIBILITY

Best Practice MODIFIED

When an on duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should contact California Highway Patrol or the City Police Department in case of city jurisdiction. If CHP has an extended estimated time of arrival, dispatch will notify the patrol sergeant regarding assigning another available deputy to respond for assistance as soon as practical.

505.3 EXTENT OF ASSISTANCE

Best Practice MODIFIED

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Best Practice MODIFIED

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. Assisting with changing of tire or jump starting a vehicle will be allowed with the permission of a supervisor.

505.3.2 RELOCATION OF DISABLED VEHICLES

Best Practice

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.3.3 RELOCATION OF DISABLED MOTORIST

Best Practice

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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505.4 PUBLIC ACCESS TO THIS POLICY

State

This written policy is available upon request.

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Federal

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

Best Practice

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

State

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Office shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 MODIFICATION OF CHARGES FILED

Best Practice

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.5 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Best Practice

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor

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as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the Internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.5.1 INTERCEPTING ELECTRONIC COMMUNICATION

State

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.5.2 ACCESS RESTRICTIONS

Best Practice

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.6 INITIAL INVESTIGATION

Best Practice

600.6.1 NON-SWORN MEMBER RESPONSIBILITIES

Best Practice

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

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600.6.2 DEPUTY RESPONSIBILITIES

Best Practice **MODIFIED**

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and notify Supervisor.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Lieutenant.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence, if Crime lab or detectives are not being called.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.7 COMPUTERS AND DIGITAL EVIDENCE

Best Practice **MODIFIED**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If possible cell phones should be placed in airplane mode prior to turning off or placed into a resistance bag. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 DISCONTINUATION OF INVESTIGATIONS

Best Practice

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

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- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 TRAINING

Best Practice

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
 - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

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6. Techniques for communicating with victims to minimize trauma.

601.3 RELEASING INFORMATION TO THE PUBLIC

Best Practice

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigative Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.4 REPORTING

Best Practice

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.6 QUALIFIED INVESTIGATORS

Best Practice

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

601.7 VICTIM INTERVIEWS

State

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The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS

State

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 - 1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 - 2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY

State

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related

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response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Best Practice

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.8.1 COLLECTION AND TESTING REQUIREMENTS

State MODIFIED

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In 2011 the California Department of Justice (Justice) implemented the Rapid DNA Service (RADS) program. Through the RADS program, Justice's crime laboratories (crime labs) analyze the evidence contained in all RADS sexual assault evidence kits (RADS kits) associated with sexual assault cases in 39 of the 46 counties to which Justice provides forensic services. The RADS kits are collected by a forensic nurse at the time of the examination and forwarded to the California Department of Justice by the forensic nurse for further analysis. The forensic nurse conducting the examination will also collect the standard SAFE kit, which will be given to the Deputy/Detective investigating the case and booked into evidence. That SAFE kit will remain in evidence unless requested by the California Department of Justice for further analysis, or the case is adjudicated.

601.8.2 DNA TEST RESULTS

State

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A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this office is required to, but may, communicate with the victim or the victim's authorized 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 (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.9 DISPOSITION OF CASES

Best Practice

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Bureau supervisor.

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Classification of a sexual assault case as unfounded requires the Investigative Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

Best Practice

The Investigative Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

Best Practice

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

State

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Tulare County Sheriff's Office seizes property for forfeiture or when the Tulare County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 - 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 - 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 - 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

Best Practice

The Tulare County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Tulare County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET FORFEITURE PROCEDURE

State MODIFIED

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a patrol deputy should contact a narcotics supervisor. The following guidelines will be observed:

- (a) The seizing deputy or the detective will serve all persons with a receipt for the property seized. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle, or property seized
- (b) All asset forfeiture cases will be handled by personnel who are trained and have knowledge of the asset forfeiture process. All reports will be directed to the asset forfeiture case agent within the prospective unit: It should be noted that State cases allow for a minimum 15 days to complete the asset forfeiture paperwork and turned in. Federal cases allow for 30 days completing the paperwork and turned in.
- (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

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- (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 State seizure of assets subject to forfeiture is a civil proceeding that must be initiated through and filed by the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Unit. This procedure applies to State Seizures only, not Federal cases. The District Attorneys Office will determine if the seized assets are forfeit-able and if so, may begin forfeiture proceedings. The District Attorneys Office will begin the forfeiture process and fill out the appropriate legal documents to begin the proceedings. In cases of Federal seizure the District Attorney's Office must sign a Declination Letter. This allows the District Attorney's office to receive 10% of the final awarded amount..

602.3.1 SEIZED PROPERTY

State MODIFIED

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.

602.3.2 SEIZED CURRENCY

Agency Content

Currency seized will be double counted, confirmed and the amount confirmed by a supervisor. The currency will then be given to and secured by the supervisor until such time as the seizing detective takes the currency for deposit into the Asset Forfeiture Account. If there is a need to book the currency into evidence for safe keeping until the currency can be properly deposited, the currency will be placed into an evidence safe. The collected currency will be deposited as soon as practical into the bank used by the Tulare County Auditors Office. The bank will verify the amount being deposited and issue check for the funds, to which the check shall be delivered to the Fiscal Unit. Once complete, the Fiscal Unit will issue a receipt for the funds and the collecting detective will transport and book the receipt into Property and Evidence.

On Federal seizures, seized currency will not be deposited to the Fiscal Unit. A cashier's Check will be made out to the U.S Marshall's Office in the amount seized with the Tulare County Sheriff's Office and DEA as remitters. On Federal Forfeitures, a court order must be completed transferring the seized currency/property from State to Federal possession.

602.3.3 PROPERTY NOT SUBJECT TO SEIZURE

State

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

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- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.3.4 SEIZED VEHICLES

Agency Content

If a vehicle cannot be driven, a tow truck will be used to tow the vehicle to a storage facility. Vehicles determined safe to operate may be driven by personnel to a controlled environment upon approval from the supervisor or narcotics commander. Vehicles may be towed if deemed necessary to protect property or evidence. Personal property located in a seized vehicle may be removed and booked into Property as either evidence or for safekeeping. All effort should be made to release property to the owner, or other person(s), who are identified by the owner for release of property. A property release form shall be completed and signed by the owner and attached to the report of all property released. In the event property can not be released due to unforeseen issues or safety reasons, property may be collected and maintained at the narcotics office or evidence room to be released to the owner or designated person identified by the owner. The narcotics division will be responsible to assure property is returned.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

Best Practice

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be

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booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

Best Practice

The Property and Evidence Unit Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

Best Practice MODIFIED

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a office-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Office and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

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- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Office Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 - 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 - 5. All changes to forfeiture status are forwarded to the asset forfeiture supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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- (i) Ensuring that a written plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the office's regular inventory is in accordance with all applicable laws and consistent with the office's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and office procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code § 11471).
- (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

State

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Office may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

Agency Content

When participating in a joint investigation with a federal agency, the Tulare County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under the Health and Safety Code § 11471.2, or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

602.8 CLAIM INVESTIGATIONS

State

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal

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agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

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- | Response | Percentage |
|----------|------------|
| Yes | 100% |
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Informants

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Informants

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Informants

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

State

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Best Practice

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

Best Practice

The Tulare County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Best Practice

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

State

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Eyewitness Identification

The Investigative Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

State

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Eyewitness Identification

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

604.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

Agency Content

Deputies presenting the lineup must take the utmost care and not to communicate the identity of the suspect in any way.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Agency Content

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the deputy should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.

Eyewitness Identification

6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
 - (e) A person should not be shown to the same witness more than once.
 - (f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
 - (g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
 - (h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

604.6 DOCUMENTATION

Best Practice

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

State

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

State

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

State

Eyewitness Identification

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7.1 OTHER SAFEGUARDS

State

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.8 FIELD IDENTIFICATION CONSIDERATIONS

Best Practice

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.

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4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
 - (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
 - (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
 - (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
 - (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

Best Practice

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

Best Practice

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

Best Practice **MODIFIED**

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

Unmanned Aerial System (UAS) Operations

- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

606.5 USE OF UAS

Best Practice **MODIFIED**

Only authorized operators shall be permitted to operate the UAS. Authorized Operators are:

- (a) Those persons officially designated by the department.
- (b) Those persons who possess a Civil: Part 107, Section 333, Experimental, Type Certificate aka UAV Pilot License.
- (c) Those persons who have been properly training and signed off by the department to operate a UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy

Unmanned Aerial System (UAS) Operations

interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

If flying under FAA Part 107, UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

If flying under a COA, night flights may be authorized.

606.6 PROHIBITED USE

Federal

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Best Practice

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Discretionary

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Discretionary

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Discretionary

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Department Owned and Personal Property

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff or his designee who will then forward the claim to the Auditor's Office.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

Discretionary

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Discretionary

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

Discretionary

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, issued or funded by the Tulare County Sheriff's Office or personally owned, when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

Refer to section 701.5 for personally owned communication devices.

701.2 POLICY

Best Practice MODIFIED

The Tulare County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Best Practice MODIFIED

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

State MODIFIED

No member is authorized to be the sole possessor of a office-issued PCD. Office-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a office-issued PCD and use of a personal PCD at work or for work-related

Personal Communication Devices

business may subject the employee to an administrative search under certain circumstances.. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 OFFICE-ISSUED PCD

Best Practice **MODIFIED**

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD. Office-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Discretionary **MODIFIED**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace. Members who use their personal PCD at work for work related business may subject themselves to an administrative search under certain circumstances.
 - (a) Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Sheriff.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) Use of a personally owned PCD for work-related business may subject a member to an administrative search of their personally owned PCD under certain circumstances to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Tulare County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Personal Communication Devices

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

Best Practice **MODIFIED**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official office business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

Best Practice **MODIFIED**

The responsibilities of supervisors include, but are not limited to:

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Personal Communication Devices

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - (b) Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 USE WHILE DRIVING

State **MODIFIED**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating office vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Office or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Discretionary **MODIFIED**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other officecommunications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Discretionary MODIFIED

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

Discretionary MODIFIED

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair. Deputies shall be responsible for removing all weapons and MDT's.

702.2.1 VEHICLE DAMAGE

Agency Content

Employees shall immediately report to their supervisor any damage to a county vehicle. The vehicle will be inspected by the employee at the beginning of the shift for any damage.

702.2.2 DAMAGE OR POOR PERFORMANCE

Discretionary

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.3 SEVERE USE

Discretionary

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.4 REMOVAL OF WEAPONS

Discretionary

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Discretionary

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

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Vehicle Maintenance

702.3.1 PATROL VEHICLES

Discretionary **MODIFIED**

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- Trauma Kit
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- 1 bx protective gloves
- 1 Traffic Safety Vest

702.3.2 UNMARKED VEHICLES

Discretionary

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

702.4 VEHICLE REFUELING

Discretionary **MODIFIED**

Absent emergency conditions or supervisor approval, vehicles shall only be refueled at authorized county fueling stations.

702.5 WASHING OF VEHICLES

Discretionary **MODIFIED**

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Vehicle Maintenance

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 NON-SWORN EMPLOYEE USE

Discretionary **MODIFIED**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

Discretionary MODIFIED

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, "County-owned" includes any vehicle owned, leased or rented by the County.

703.2 POLICY

Best Practice MODIFIED

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

703.2.1 SHIFT ASSIGNED VEHICLES

Agency Content

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Lieutenant shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.2.2 UNSCHEDULED USE OF VEHICLES

Agency Content

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Patrol Lieutenant of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property and Evidence Office personnel assigned transportation duties to and from the maintenance yard, etc. Property and Evidence Office personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

703.2.3 UNDERCOVER VEHICLES

Agency Content

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

Tulare County Sheriff's Office

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Vehicle Use

703.2.4 DETECTIVE BUREAU VEHICLES

Agency Content

Investigation Division vehicle use is restricted to detective personnel unless approved by the Investigation Commander. Investigation Division personnel shall record vehicle usage via the Sign-Out Log maintained by the Division/Bureau.

703.2.5 AUTHORIZED PASSENGERS

Agency Content

Personnel operating department owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

703.2.6 INSPECTIONS

Agency Content

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

703.3 USE OF VEHICLES

Discretionary MODIFIED

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDT and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Best Practice MODIFIED

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.3.2 UNSCHEDULED USE OF VEHICLES

Discretionary MODIFIED

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Vehicle Use

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Lieutenant of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

703.3.3 UNMARKED VEHICLES

Discretionary MODIFIED

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

703.3.4 PARKING

Discretionary MODIFIED

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

703.3.5 INSPECTIONS

Best Practice MODIFIED

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

703.3.6 PRIVACY

Discretionary MODIFIED

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4 ASSIGNED VEHICLE AGREEMENT

Discretionary MODIFIED

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

- (a) All Marked Take Home Patrol Vehicle parking locations are subject to approval of the Sheriff or designee. Vehicles parked at locations determined to be undesirable due to location, repetitive thefts, damage to the vehicle, or unusual circumstances, etc. will be subject to reassignment of the parking location. This may include, but is not limited to parking at apartment complexes and in alleys. The Sheriff or his designee shall retain the right to revoke participation in the Marked Take Home Patrol Vehicle program at any time.

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Vehicle Use

- (b) To facilitate the efficient and cost effective administration of this program, deputies who choose to participate in the Marked Take Home Patrol Vehicle program must reside within Tulare County. Absent specific permission from the Sheriff, deputies residing outside of Tulare County shall park their assigned Marked Take Home Patrol Vehicle at an approved, secure location. Examples of such locations would be a Sheriff's substation, Tulare County maintenance yard, fire station, or allied agency. Deputies assigned Marked Take Home Patrol Vehicles will immediately notify the Fleet Manager in writing when their residence address/parking location changes.
- (c) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (d) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (e) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (f) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (g) Vehicles shall be locked when not attended.
- (h) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).
- (i) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored at the appropriate department facility.
- (j) All department identification, portable radios and equipment shall be secured.

Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

703.4.1 KEYS

Agency Content

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

703.5 ENFORCEMENT ACTIONS

Discretionary MODIFIED

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Vehicle Use

When driving an assigned vehicle to and from work outside of the jurisdiction of the Tulare County Sheriff's Office, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.5.1 ACCESSORIES AND/OR MODIFICATIONS

Agency Content

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the assigned vehicle Fleet Manager.

703.6 MAINTENANCE

Agency Content

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

703.7 VEHICLE DAMAGE, ABUSE AND MISUSE

Agency Content

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a County vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the County's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Lieutenant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

Vehicle Use

703.8 TOLL ROAD USAGE

Discretionary **MODIFIED**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a County-owned vehicle upon the toll road shall adhere to the following:

- (a) All members operating a County-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

Criminal Intelligence Analysis Unit (CIAU)

800.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The mission of the Criminal Intelligence Analysis Unit is to facilitate situational awareness and assist agency personnel with crime reduction efforts. The purpose of the criminal intelligence analysis unit is to extract vital elements of intelligence from massive quantities of data by gathering, processing, evaluating, displaying and disseminating accurate and actionable information for deputies, field investigators and command staff personnel to formulate strategies to better serve the community.

800.2 DATA SOURCES

Best Practice MODIFIED

Operational and analytical data are extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- TCSO Gang Unit
- Operational Intelligence
- TCSO Correctional Facility
- Computer Crime Systems
- Internet - Open Source and Secure Law Enforcement Agencies' databases
- Electronic Extraction Equipment, Systems, and Devices

800.3 CRIME ANALYSIS FACTORS

Best Practice MODIFIED

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim, Suspect, and Target Descriptors
- Vehicle Descriptors
- Modus Operandi factors
- Physical Evidence information

Criminal Intelligence Analysis Unit (CIAU)

800.4 CRIME INTELLIGENCE ANALYST FUNCTIONS

Best Practice **MODIFIED**

The CIAU shall maintain the ability to perform the following functions:

- Utilize crime systems, databases, and software to query, analyze, and interpret raw crime data related to crime series, patterns, and suspect profiles by entering, retrieving, and sorting information.
- Create reports on criminal activity, changing crime trends, patterns, and maintain case investigation files accessible by investigators.
- Acquire or create, implement and maintain searchable database intelligence information systems.
- Develop and produce crime maps using geographic information systems (GIS) applications and conduct spatial analysis of crime data.
- Perform analytical functions to develop crime trends and patterns of criminal activity.
- Generate various reports, bulletins and maps identifying criminal activity, suspect information and crime trends for investigators. Reports are submitted for review, approval and stored in appropriate Record Management Systems.
- Liaison with internal and external groups/individuals to provide analytical assistance, collect and/or disseminate intelligence data, and share resources.
- Perform analytics of electronic communication devices to determine user and net work activity to include but not limited to device locations, social media footprints, tracking of criminal groups and individuals involved.
- Conduct background research and queries of criminals or suspected criminals under investigation to establish criminal profiles, criminal associations, criminal collaborators, including prior crimes, and social media relationships.
- Prepare charts (link analysis, event flow analysis, activity charting) and other illustrative mediums for visual presentation of data.
- Provide tactical and intelligence workstation support for Real-Time Command Operation Center functions and situations.

800.5 CRIMINAL INTELLIGENCE ANALYSIS DISSEMINATION

Agency Content

For a criminal intelligence analysis organization to function effectively, intelligence information should be bi-directional. Intelligence information should be routed to the CIAU; this information will be thoroughly vetted and analyzed for pertinent actionable information. The CIAU in return will disseminate this information to the appropriate units or persons in a time-sensitive manner. CIAU personnel will give highest priority to ongoing operations or tactical incidents and shall direct personnel and efforts accordingly. Information relevant to the development of the Department's strategic plans shall be provided to the appropriate staff units.

Dispatch

801.1 PURPOSE AND SCOPE

Best Practice

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.1.1 FCC COMPLIANCE

Agency Content

Tulare County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

801.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

801.3 DISPATCH SECURITY

Best Practice MODIFIED

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Lieutenant, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

Best Practice MODIFIED

801.4.1 ADDITIONAL PROCEDURES

Discretionary MODIFIED

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Lieutenant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

Dispatch

- (e) Handling misdirected, silent and hang-up calls.
- (f) Handling private security alarms, if applicable.
- (g) Radio interoperability issues.

801.4.2 DISPATCHERS

Best Practice **MODIFIED**

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - 1. Emergency 9-1-1 lines.
 - 2. Business telephone lines.
 - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the field supervisor of emergency activity.

801.5 CALL HANDLING

Best Practice

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

Dispatch

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 EMERGENCY CALLS

Best Practice **MODIFIED**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Patrol Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

Best Practice

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

801.6 RADIO COMMUNICATIONS

Best Practice

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.

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Dispatch

- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 RADIO IDENTIFICATION

Best Practice

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.6.2 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Best Practice

Tulare County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.7 DOCUMENTATION

Best Practice

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.

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- Disposition or status of reported incident.

801.8 CONFIDENTIALITY

Best Practice

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

801.9 TRAINING AND CERTIFICATION

State

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

802.1 PURPOSE AND SCOPE

Best Practice

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

802.2 DEFINITIONS

Best Practice

MODIFIED

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Evidentiary Money - Includes money taken or recovered in the course of an investigation which may be used in the prosecution of a case.

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Personal Property Money - Personal money of an arrestee not taken as evidence.

Property - Includes all items of evidence, items taken for safekeeping and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Unclaimed Money - Includes money found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

802.3 HANDLING OF MONEY

Agency Content

All money that is collected, found or seized during an investigation shall be handled pursuant to the following:

802.3.1 EVIDENTIARY MONEY

Agency Content

All evidentiary money seized by the investigating deputy shall be placed in a Tulare County Sheriff's Office Money Envelope. The money envelope shall be completed in its entirety. The investigating deputy shall mark the money as "Evidence" under the Type of Booking section of the money envelope. The money envelope shall be booked into evidence and transported to Property

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& Evidence as soon as practical. (See 902.4.2 for additional information on the verification of money.)

Upon receipt at Property & Evidence, Property & Evidence Technicians shall be responsible for the transport of evidentiary money to the Fiscal Unit for deposit.

Any money that is contaminated by blood, narcotics or other potentially toxic substances shall be dried and labeled as biohazard prior to being booked into evidence.

802.3.2 PERSONAL PROPERTY MONEY

Agency Content

Personal money of an arrestee not taken as evidence shall be deposited into the inmate banking account during booking.

Money taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons)) etc., shall be placed in a Tulare County Sheriff's Office Money Envelope. The money envelope shall be completed in its entirety. The investigating deputy shall mark the money as "Safe Keeping" under the Type of Booking section of the money envelope. The money envelope shall be booked into evidence and transported to Property & Evidence as soon as practical.

Upon receipt at Property & Evidence, Property & Evidence Technicians shall be responsible for the transport of safe keeping money to the Fiscal Unit for deposit.

802.3.3 UNCLAIMED MONEY

Agency Content

All unclaimed money seized by a deputy shall be placed in a Tulare County Sheriff's Office Money Envelope. The money envelope shall be completed in its entirety. The investigating deputy shall mark the money as "Found Property" under the Type of Booking section of the money envelope. The money envelope shall be booked into evidence and transported to Property & Evidence as soon as practical.

Upon receipt at Property & Evidence, Property & Evidence Technicians shall be responsible for the transport of unclaimed money to the Fiscal Unit for deposit.

802.3.4 CHAIN OF CUSTODY AND PROCEDURE FOR DISCREPANCIES

Agency Content

Chain of custody will be intact from collection to acceptance to deposit at the Fiscal Unit. Once sealed by the collecting Deputy, the money envelope will only be opened during the final count and deposit with the Fiscal Unit. The final count will be conducted by Fiscal Unit staff and the transporting Property & Evidence Technician. If there is a discrepancy in with the final count, The Property & Evidence Sergeant shall immediately be notified and the discrepancy shall be

Property and Evidence

documented. The money shall be resealed and returned to Property & Evidence for further investigation into the discrepancy.

802.4 PROPERTY HANDLING

Best Practice **MODIFIED**

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly labeled and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.4.1 PROPERTY BOOKING PROCEDURE

Best Practice **MODIFIED**

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete a report describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Label each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property label and attach it to each package or envelope in which the property is stored.
- (d) Place the case number on the packaging.
- (e) Any original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Complete a property label and place the item into a numbered locker indicating the location of the property.

802.4.2 NARCOTICS AND DANGEROUS DRUGS

Best Practice **MODIFIED**

All narcotics and dangerous drugs shall be booked separately. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall place the item(s) in the designated Department of Justice (DOJ) issued narcotic envelope and placed in the locker.

802.4.3 EXPLOSIVES

Best Practice

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Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Lieutenant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.4.4 EXCEPTIONAL HANDLING

Best Practice MODIFIED

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property labels will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Lieutenant shall be contacted for cash in excess of \$1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.4.5 RELINQUISHED FIREARMS

State

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

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- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall ensure the Support Services Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Unit Policy).

802.5 PACKAGING OF PROPERTY

Best Practice

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

802.5.1 PACKAGING CONTAINER

Best Practice

MODIFIED

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Syringe tubes shall be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.5.2 PACKAGING NARCOTICS

Best Practice

MODIFIED

The deputy seizing narcotics and dangerous drugs shall handle all narcotic substance as if the drug fentanyl has been introduced to the substance and use extreme caution in retaining such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by the property record. Prior to packaging **Personal Protective Equipment (PPE)** needs to be utilized in handling, collecting and packaging any narcotic or dangerous substance. The narcotic or dangerous substance will need to be sent to Fresno Regional Laboratory for further handling and processing.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking deputy shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded.

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802.6 RECORDING OF PROPERTY

Best Practice **MODIFIED**

The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the property record.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property record.

Any changes in the location of property held by the Tulare County Sheriff's Office shall be noted in the property record.

802.7 PROPERTY CONTROL

Best Practice **MODIFIED**

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information in the property record. Deputies desiring property for court shall contact the Property Officer at least one day prior to the court day.

802.7.1 RESPONSIBILITY OF OTHER PERSONNEL

Best Practice **MODIFIED**

Every time property is released or received, an appropriate entry in the property record shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

802.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Best Practice **MODIFIED**

The transporting employee will check the evidence out of property, indicating the date and time in the property record and the request for laboratory analysis.

The Property Officer releasing the evidence must complete the required information in the property record. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Unit for filing with the case.

802.7.3 STATUS OF PROPERTY

Best Practice **MODIFIED**

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property record, stating the date, time and to whom released.

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The Property Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the property record, indicating date, time, and the person who returned the property.

802.7.4 AUTHORITY TO RELEASE PROPERTY

Best Practice

The Investigative Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

802.7.5 RELEASE OF PROPERTY

State **MODIFIED**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release 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 or detective 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.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel 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 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. A signature of the person receiving the property shall be recorded on the original property receipt. After release, all property entered in the property record, will be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the item(s) will remain with the Property and Evidence Unit. Upon release, the proper entry shall be documented in the Property record.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Unit Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

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The Office is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.7.6 DISPUTED CLAIMS TO PROPERTY

State

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.7.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

Best Practice

The Investigative Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this office, including paraphernalia as described in Health and Safety Code § 11364.

802.7.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

State

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.7.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

State

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Office shall make the firearm or weapon available for return. No firearm will be returned unless and until

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the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

- (c) Unless the person contacts the Office to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.7.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

State

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Tulare County Sheriff's Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.7.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

State

The Office shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

802.8 DISPOSITION OF PROPERTY

Best Practice

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

802.8.1 EXCEPTIONAL DISPOSITIONS

State

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

Property and Evidence

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.8.2 UNCLAIMED MONEY

State **MODIFIED**

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Fiscal Unit shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this Fiscal Unit to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

802.8.3 RETENTION OF BIOLOGICAL EVIDENCE

State

The Property and Evidence Unit Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim

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(e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

Restoration of Firearm Serial Numbers

803.1 PURPOSE AND SCOPE

State

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

803.2 PROCEDURE

State

Any firearm coming into the possession of the Tulare County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

803.2.1 PRELIMINARY FIREARM EXAMINATION

Best Practice

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

803.2.2 PROPERTY BOOKING PROCEDURE

Best Practice

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Restoration of Firearm Serial Numbers

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

803.2.3 DEPUTY RESPONSIBILITY

Best Practice **MODIFIED**

The property officer or deputy receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

803.2.4 DOCUMENTATION

Best Practice

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

803.2.5 FIREARM TRACE

Best Practice

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

803.3 BULLET AND CASING IDENTIFICATION

Best Practice

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

State

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

State

MODIFIED

The Tulare County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

804.2.1 PROCESSING OF REQUESTS

Agency Content

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The appropriate subject matter expert or designee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Sheriff or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administrative Services Division Commander for a determination as to whether the records will be released.

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

State

MODIFIED

The Sheriff shall designate a Custodian of Records or other appropriate staff. The responsibilities include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.

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- (b) Maintaining and updating the office records retention schedule including:
 - 1. Identifying the minimum length of time the Office must keep records.
 - 2. Identifying the office division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the office's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Office's website.

804.3.1 GENERAL CASE AND CRIME REPORTS

Agency Content

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).
- (b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
 - 1. Analysis and conclusions of investigating deputies may also be exempt from disclosure.

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2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

804.3.2 ARREST REPORTS

Agency Content

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, booking photos and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

804.3.3 TRAFFIC COLLISION REPORTS

Agency Content

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

804.3.4 PERSONNEL RECORDS

Agency Content

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c); Penal Code § 832.7; Penal Code § 832.8).

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Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff or as required by law.

804.3.5 CONCEALED WEAPONS PERMITS

Agency Content

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

804.3.6 DOMESTIC VIOLENCE REPORTS

Agency Content

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

State

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

State MODIFIED

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Office is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension

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is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

- (a) When the request does not reasonably describe the records sought, the Custodian of Records may return the request for clarification.
- (b) If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

804.5 RELEASE RESTRICTIONS

State

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 6254.29).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.

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- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
 - 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 6254).
 - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

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- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the office's electronic technology systems (Government Code § 6254.19).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Best Practice

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

804.7 SEALED RECORD ORDERS

State

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

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When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Support Services Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

804.7.1 SEALED JUVENILE ARREST RECORDS

State

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Support Services Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

804.8 SECURITY BREACHES

State

The Support Services Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

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- Genetic data

804.8.1 FORM OF NOTICE

State

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
1. The date of the notice.
 2. Name and contact information for the Tulare County Sheriff's Office.
 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 4. The estimated date or date range within which the security breach occurred.
 5. Whether the notification was delayed as a result of a law enforcement investigation.
 6. A general description of the security breach.
 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Tulare County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Office in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 2. When the breach involves an email address that was furnished by the Tulare County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

804.8.2 MANNER OF NOTICE

State

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.

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2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Office has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the office's webpage for a minimum of 30 days.
 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

804.9 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

State

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

804.9.1 DELAY OF RELEASE

State

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Office knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Office demonstrates that disclosure would substantially interfere with the investigation.

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- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

804.9.2 NOTICE OF DELAY OF RELEASE

State

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

804.9.3 REDACTION

State

If the Custodian of Records, in consultation with the Sheriff or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

804.9.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

State

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

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- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

Protected Information

805.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Tulare County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Tulare County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Best Practice

Members of the Tulare County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

Best Practice

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

805.4 ACCESS TO PROTECTED INFORMATION

Best Practice

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Tulare County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.4.1 RELEASE OF CORI

Agency Content

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) Records Supervisor
- (b) Full-time employees of the Records Division
- (c) Personnel specifically designated in writing by Division Commanders.

On January 1, 2013, any authorized agency, organization or individual must expeditiously furnish a copy of the CORI to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When CORI is furnished other than in person, the copy will be delivered to the last known contact information provided by the applicant (Penal Code § 11105(t)).

805.4.2 RELEASE OF CORI TO FIELD PERSONNEL

Agency Content

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Protected Information

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Best Practice

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Services Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

State

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Office after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

805.6 SECURITY OF PROTECTED INFORMATION

Federal

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

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- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Best Practice

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

Best Practice

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

805.7.1 COMPUTER TERMINAL SECURITY

Agency Content

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Unit, Dispatch and in the Investigative Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

805.7.2 DESTRUCTION OF CORI

Agency Content

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

805.7.3 CUSTODIAN OF CRIMINAL RECORDS

Agency Content

The Support Services Manager, unless otherwise directed by the Administrative Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Division Commander may appoint other department

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employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

805.8 TRAINING PROGRAM

Agency Content

All personnel authorized to process or release CORI shall be required to complete a training program as prescribed . Personnel & Training shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

805.9 PENALTIES FOR MISUSE OF RECORDS

Agency Content

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

805.10 CALIFORNIA RELIGIOUS FREEDOM ACT

State

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Litigation Holds

806.1 PURPOSE AND SCOPE

Agency Content

Court rules and case law require a party to take steps to preserve potential relevant evidence in whatever form when litigation has been filed or is reasonably anticipated or foreseeable in order to avoid potential court sanctions. The consequences of a failure to preserve will vary depending on the circumstances, but may include: regulatory fines and penalties; civil litigation consequences such as increased litigation costs, fines, adverse inference instructions, default judgment and civil contempt; vicarious liability for responsible senior management; and criminal liability for organizations and individuals.

806.1.1 DEFINITIONS

Agency Content

Affected Parties: All parties including, but not limited to, employees (whether temporary, permanent, full time or part time) and their Division Heads, agents, contractors, vendors, IT or Secretary of State to which a Litigation Hold Notice is addressed.

Correspondence: Includes but is not limited to, letters, telegrams, electronic mail, inter- or intra-office memoranda or communications, text messages and all other written communications of whatsoever form, notes and memoranda of meetings or oral communications, sound recordings and transcripts thereof.

Documents: Any paper or other writing and any item of graphic materials, however recorded or reproduced, including all drafts, copies or other preliminary material which are different from the executed or final document, regardless of whether designated "confidential", "privileged", or otherwise restricted, wherever located, whether an original or a copy, including but not limited to agreements, contracts, financial statements, invoices, minutes, worksheets, work papers, summaries and any other written records or recordings of any conferences, meetings, visits, interviews or telephone conversations, financial and statistical data, analyses, surveys, transcripts of testimony, statements, interviews, affidavits, press releases, memoranda, drafts, memo pads, notes, indices, tabulations, graphs, reports, papers, records, inter-office communications, electronic data processing charts, tapes, print-outs, papers or other recordings, tables, compilations, catalogs, telegrams, letters, photographs, diaries, calendars, drawings, data reports, printed matter, correspondence, communications received and/or sent, books, brochures, advertisements, circulars, mailings and publications; and any copy containing thereon or having attached thereto any alterations, notes, comments, or other material shall be deemed a separate document from the original or any other copy not containing such materials within the foregoing definitions.

Electronically Stored Information (ESI): Computer data or electronic recorded media of any kind that is stored in a digital medium from which it can be retrieved and examined. ESI may include, but is not limited to, information and/or documentation stored via various software programs such

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as: e-mail, Outlook, Word, Excel, Access, Publisher, PowerPoint, Adobe Acrobat, web pages, metadata, or any other software or electronic communication programs (including telephonic voicemail, voice messaging, text messaging, etc.) or databases. ESI may be loaded on network servers, Blackberry's, PDAs, flash drives, CDs, DVDs, floppy disks, work computers, cell phones, laptops, electronic notebooks, or any other electronic device used to store Department work (including any personal devices used off-site, at home or elsewhere, for work related purposes).

Legal Bureau: The Legal Bureau shall consist of the Captain assigned to Professional Standards, Lt. assigned to IA/Legal, Paralegal(s) assigned to IA, Office Assistant assigned to IA and Sergeant(s) Assigned to IA.

Litigation to which Department is a party: This policy applies in the event of litigation filed or reasonably anticipated or foreseeable litigation to which the Department, or one or more Department employees acting within the scope of employment, is a party. Hereafter, references in this policy to "litigation to which Department is a party" shall include when a Department employee is acting within the scope of employment.

Litigation Hold Notice: Written notification, and any changes or amendments thereto, that litigation has been filed or is reasonably anticipated or foreseeable, that requires the recipients to preserve Potential Evidence in their possession or control.

Potential Evidence: Any Record that may reasonably be expected to be requested in discovery, used in, or related to litigation to which the Department is or may reasonably anticipated or foreseen to become a party. Audio/video recordings, interviews, booking jackets, photos, etc.

806.2 POLICY AND PROCEDURES

Agency Content

This document sets forth the authority and process for initiating, implementing, monitoring, and releasing litigation holds. This policy applies to all potential evidence in whatever form owned or under the control of the Tulare County Sheriff's Department ("Department") when litigation against the Department, or an employee acting within the scope of employment, has been filed or is reasonably anticipated or foreseeable. This policy also applies to litigation that has been filed, or is reasonably anticipated or foreseeable to be filed, on behalf of the Department.

This policy supersedes any records retention policy that would otherwise authorize destruction, deletion or disposal of such potential evidence.

806.2.1 RELATION TO RECORDS RETENTION POLICY

Agency Content

Upon receipt of a Litigation Hold Notice, or when litigation is otherwise reasonably anticipated or foreseen, affected parties shall immediately suspend destruction, deletion, or disposal of records that are potential evidence. This policy supersedes any provision of a records retention policy that would otherwise authorize destruction, deletion or disposal of such potential evidence. In accordance with this Policy, the Legal Bureau shall send written notice to any department location

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associated with the incident to suspend destruction, deletion or disposal of all records in the department's control that are potential evidence.

806.2.2 TRIGGER EVENTS AND DUTY TO PRESERVE

Agency Content

Employees have a duty to preserve potential evidence when litigation to which the Department is a party is initiated, or is reasonably anticipated or foreseeable. Employees must immediately preserve potential evidence in such circumstances and suspend deletion, destruction, purging, overwriting or disposal even if a litigation hold has not been issued.

1. Duty to Preserve Evidence whether or not a Litigation Hold Notice has been issued -

Employees have a duty to preserve potential evidence when litigation to which the Department is a party is initiated, or is reasonably anticipated or foreseeable, even if a litigation hold is not issued.

2. When Litigation is initiated against the Department - Litigation is initiated against the Department when a complaint or petition is filed or served or when litigation is reasonable anticipated or foreseeable.

3. When Litigation is reasonably anticipated or foreseeable against the Department -The following is a non-exhaustive list of events that may indicate whether litigation is reasonably anticipated or foreseeable against the Department:

- (a) Receiving a document preservation request or notice letter from an adverse party or legal counsel;
- (b) Receipt of a communication threatening litigation;
- (c) A complaint was made to an external or internal investigatory agency or unit wherein similar past experience or circumstances resulted in known and significant litigation;
- (d) Receipt of a cease and desist letter;
- (e) Events occurred that resulted in known and significant injury;
- (f) Government audit or investigation;
- (g) Press or media reports suggest litigation is likely;
- (h) Receipt of an APRA request similar to those preceding other law suits or otherwise indicative of litigation;
- (i) Any injury to an inmate (regardless of cause) resulting in death, or serious/long term injury;
- (j) Any time a Use of Force results in death, or serious/long term injury.

4. When litigation is initiated or reasonably anticipated or foreseeable by the Department against another party - The following is a non-exhaustive list of events that may indicate whether litigation is reasonably anticipated or foreseeable by the Department against another party:

- (a) When the litigation is authorized by the Director or other authorized party;

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- (b) When litigation is filed;
- (c) When a formal demand mentioning litigation is sent;
- (d) Sending a documentation preservation letter;
- (e) A time frame and strategy for litigation is discussed or established;
- (f) Similar past experience or circumstances resulted in known and significant litigation;
- (g) Events occurred that resulted in known and significant injury;
- (h) There have been serious internal management discussions regarding potential litigation; or,
- (i) When an examination of records is made to determine whether a claim or litigation shall be initiated.

806.3 DUTY TO NOTIFY THE LEGAL BUREAU

Agency Content

Any employee who becomes aware of litigation to which the Department is a party, or is reasonably anticipated or foreseeable, shall immediately notify his/her immediate supervisor. Such supervisor shall immediately notify in writing the Legal Bureau.

The Captain may delegate any duty under this Policy to his or designee(s), including but not limited to the formation of a Litigation Response Team to coordinate efforts to preserve Potential Evidence. In addition to member(s) of TCSO's Legal Bureau, and depending on the circumstances, such team may include but not be limited to, representatives from IT, HR, Crime Lab etc. The Litigation Response Team may delegate certain of its responsibilities to one or more team members.

The Legal Bureau may determine that a written preservation plan is needed if and when it deems appropriate such as when the litigation, or reasonably anticipated or foreseeable litigation, will contain a large quantity of records; where control over potential evidence resides in multiple locations throughout the Department or which focuses on the Department's management of records.

A written preservation plan may include, but not be limited to, the following information: Affected Parties/Departments and contact information; when the Litigation Hold Notice(s), any amendments thereto and reasons therefore and any Potential Evidence Checklist/Verification Form (s) was/were sent; the time and response of the Affected Parties; notification to the Department to suspend destruction of Records; the time and nature of follow-up contacts with the Affected Parties/Department, including notes from any interviews conducted; and/or any other information as deemed appropriate by the Legal Bureau.

Preservation methods may include, but not be limited to:

- (a) For Electronically Stored Information (ESI) - suspension of auto-delete program(s); securing or imaging a hard-drive; securing and preserving a backup tape or backup media (audio/video); and/or sequestering or archiving information/records.

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- (b) For paper records - making photocopies, sequestering original paper records to protect from loss, destruction or alteration; and/or storage at the contracted Department's off-site facility approved for the storage of Records.
- (c) Any instruction contained in the Litigation Hold Notice.

Whenever possible, Potential Evidence shall be maintained in its original format.

806.3.1 DUTY OF THE LEGAL BUREAU TO NOTIFY COUNTY COUNSEL

Agency Content

Upon notice from the Department of anticipated or potential litigation, the Legal Bureau shall notify the current County Counsel Chief of Litigation and County Counsel Risk Manager. The Legal Bureau will provide as much information as possible regarding the anticipated or potential litigation.

806.3.2 RECEIPT OF A LITIGATION HOLD NOTICE

Agency Content

Upon receipt of a Litigation Hold Notice, the Legal Bureau Office Assistant shall notify the Affected Parties/Department by providing a copy of the Litigation Hold Notice to Affected Parties/Department. The Office Assistant shall advise the Affected Parties/Department of their obligation to identify and immediately preserve all Potential Evidence that may be relevant to the Litigation Hold Notice.

The Litigation Hold Notice will ask the recipient to acknowledge receipt and indicate within ten (10) calendar days (or sooner if the Litigation Hold Notice directs a shorter time period) whether the recipient has: (1) Potential Evidence, the form and location of such Potential Evidence and whether the recipient has taken steps to preserve it; or No Potential Evidence responsive to the Litigation Hold Notice; and (2) Questions regarding the Litigation Hold Notice and need for clarification. The Litigation Hold Notice may incorporate or be followed by a potential Evidence Checklist. All Affected Parties/Departments shall respond to the Legal Bureau Office Assistant within five (5) calendar days or a shorter time period if directed by the Litigation Hold Notice advising that all Potential Evidence has been immediately preserved as instructed.

The Legal Bureau shall meet with the Affected Parties/Departments (if it is not possible to meet, alternative communication shall occur) to help the Affected Party/Department: (1) understand the litigation hold and his/her/its obligations; (2) locate ascertain and retain all reasonably identifiable Potential Evidence in the Affected Party's possession or control; (3) notify the Department's IT Department to suspend destruction of Records, if applicable; (4) remind to preserve the Potential Evidence; (5) take appropriate steps to preserve Potential Evidence until advised it is no longer necessary to do so; and, (6) understand the need to preserve additional new Potential Evidence created or discovered after the litigation hold is issued and how to handle such Potential Evidence.

806.4 RESPONSIBILITY OF DEPARTMENT HEADS

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A Litigation Hold Notice addressed to an employee shall also copy the employee's Department Head. Such Department Head shall be responsible for the employee's compliance with the Litigation Hold Notice and the Department Head shall also certify such compliance. A Litigation Hold Notice addressed to a Department Head requires the Department Head to comply with the Litigation Hold Notice, forward such notice to appropriate staff and instruct such staff in order to comply with the Litigation Hold Notice.

806.4.1 PERIODIC REVIEW AND MAINTENANCE OF LITIGATION HOLD NOTICES

Agency Content

Once a Litigation Hold Notice has been issued, the Legal Bureau shall at least quarterly, or as needed given the nature of the matter as the Legal Bureau deems warranted, review existing Litigation Hold Notices to determine the need to maintain the litigation hold and/or to take additional actions. At least quarterly or more frequently given the nature of the matter as the Legal Bureau deems warranted, the Legal Bureau shall remind the Affected Parties/Departments in writing of the litigation hold (including any changes or expansions) and the Affected Parties'/Departments' continuing obligations under the Litigation Hold Notice, requiring Affected Parties'/Departments' compliance certifications. The Legal Bureau shall take such additional steps that he/she deems warranted by the circumstances which may include, but not be limited to, the Legal Bureau Office Assistant monitoring compliance with the Litigation Hold Notice.

806.4.2 REMOVAL OF LITIGATION HOLD

Agency Content

Upon notice from County Counsel, the Legal Bureau shall communicate in writing to Affected Parties/Departments when a Litigation Hold has been removed and Potential Evidence no longer needs to be preserved because litigation is no longer pending or reasonably anticipated or foreseen. Before such communication, the Legal Bureau shall make sure the Potential Evidence is not subject to other litigation holds. The removal of a Litigation Hold Notice shall revive normal Department retention policies.

806.4.3 DEPARTING EMPLOYEES

Agency Content

All departing employees in receipt of a Litigation Hold Notice are under an obligation to inform the Department, the responsible attorney named in the Litigation Hold Notice, and the employee's supervisor, about any impending departure from the Department so the Department can arrange for preservation of Potential Evidence. The Department of an employee in receipt of a Litigation Hold Notice shall also notify the Legal Bureau and the responsible attorney named in the Litigation Hold Notice in case of any departure of such employee for whatever reason. The Legal Bureau shall take responsibility of any and all Potential Evidence under the control of the separated employee until further notice by the Department or the responsible Attorney named in the Litigation Hold Notice.

806.5 VIOLATIONS

Agency Content

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Violations of this policy and procedures may be subject to disciplinary action up to and including dismissal. In addition, failure to hold Potential Evidence may result in sanctions (monetary penalties) being placed on the County.

Computers and Digital Evidence

807.1 PURPOSE AND SCOPE

Best Practice

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Best Practice

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.

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2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

807.2.1 BUSINESS OR NETWORKED COMPUTERS

Best Practice

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

Best Practice

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

807.3 SEIZING DIGITAL STORAGE MEDIA

Best Practice

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Unit to copy the contents to an appropriate form of storage media.

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- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

807.4 SEIZING PCDS

Best Practice

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Best Practice

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Best Practice

MODIFIED

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

Surveillance or DVR (Digital Video Recorder) video may be downloaded and saved to USB or Disc. DVR's may have specialized software used to play it and therefore should be entered into evidence on digital media and should not be entered into the Digital Crime Scene system. The Cyber Forensic Investigation Unit may assist in retrieving the video either through a call out or

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request card. These systems are time sensitive and there should not be a delay in the request if CFIU is needed.

807.5.2 SUBMISSION OF DIGITAL MEDIA

Best Practice **MODIFIED**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall Property and Evidence Unit be uploaded as soon as possible into the digital evidence system.
- (b) Deputies are not authorized to copy memory cards. The Forensic Unit Staff are the only employees authorized to copy and/or distribute digital media, photographs and audio interviews.

807.5.3 UPLOADING OF DIGITAL FILES

Discretionary **MODIFIED**

Digital information such as video or audio files recorded on devices using internal memory must be uploaded to secure evidence server or placed into storage media, such as a disk and then logged into evidence.

807.5.4 PRESERVATION OF DIGITAL EVIDENCE

Best Practice **MODIFIED**

- (a) Only Forensic Unit Staff authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Animal Control

808.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

808.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

808.3 ANIMAL CONTROL RESPONSIBILITIES

Best Practice

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

808.4 DEPUTY RESPONSIBILITIES

Best Practice **MODIFIED**

Deputies who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding deputies generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance or Animal Control.

Deputies may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Deputies should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the deputy should find appropriate placement for the animal.

Animal Control

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

808.5 ANIMAL CRUELTY COMPLAINTS

State

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.6 ANIMAL BITE REPORTS

Best Practice

MODIFIED

Deputies investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Deputies should attempt to identify and notify the owner of the final disposition of the animal.

808.7 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Best Practice

MODIFIED

Deputies should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

808.8 DECEASED ANIMALS

Best Practice

MODIFIED

When a Deputy becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Deputies should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

Animal Control

808.9 INJURED ANIMALS

Best Practice **MODIFIED**

When a Deputy becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

808.9.1 INJURED WILDLIFE

State

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

808.9.2 VETERINARY CARE

State

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

808.9.3 RESCUE OF ANIMALS IN VEHICLES

State **MODIFIED**

If an animal left unattended in a vehicle appears to be in distress, deputies may enter the vehicle for the purpose of rescuing the animal. Deputies should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Office of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

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Animal Control

808.10 STRAY DOGS

Best Practice **MODIFIED**

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Deputies shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

808.11 DANGEROUS ANIMALS

Best Practice

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

808.12 DESTRUCTION OF ANIMALS

Best Practice

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Tulare County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Sheriff's Office.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Tulare County Sheriff's Substation prior to being released or transported to a housing or other type of facility.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

Agency Content

It is the policy of the Tulare County Sheriff's Office that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

900.1.3 NON-DETAINABLE PRISONERS

Agency Content

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility, as appropriate:

- (a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.
- (b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

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- (c) Any person suffering from a severe mental disorder.
- (d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility (15 CCR § 1053).
- (e) A prisoner who is or may be contemplating suicide.
- (f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of the above.
- (g) Any person suspected or confirmed to be developmentally disabled (15 CCR § 1057).
- (h) Any person or persons for whom appropriate classification (by gender, age) cannot be maintained.
- (i) Any person who is so intoxicated as to be a danger to him/herself or others and cannot be safely accommodated within the facility or a sobering cell (15 CCR § 1056). This shall also apply to those inmates who are undergoing withdrawal reactions (15 CCR § 1213).

900.1.4 DETAINABLE PRISONERS

Agency Content

Arrestees who fall within the following classifications may be detained in the Tulare County Sheriff's Substation Temporary Holding Facility. This includes those arrested and detained pending:

- (a) Posting of bail
- (b) Release on Own Recognizance (O.R.)
- (c) Release on citation in accordance with the Cite and Release Policy in this manual
- (d) Transportation to the County Jail
- (e) Release per Penal Code § 849(b)
- (f) In-custody interview or other investigation

900.1.5 COURT HOLDING - TEMPORARY HOLDING FACILITY PRISONERS

Agency Content

Those prisoners that are temporarily housed in this facility pending court appearance will be segregated according to this Tulare County Sheriff's Office classification policy.

900.1.6 USE OF SOBERING CELL

Agency Content

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No inmate will be held in the Temporary Holding Facility who presents a threat to their own safety or the safety of others due to their state of intoxication and should be placed in a sobering cell until their condition allows for continued processing. The following guidelines apply when placing any inmate in a sobering cell (15, CCR § 1056). Any inmate requiring placement into a sobering cell will be transported to the Tulare County Sheriff's Office designated booking facility.

900.1.7 TRANSPORTATION OF PRISONERS

Agency Content

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, the deputy should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting deputy shall be responsible for the following:

- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting deputy shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.8 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Agency Content

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists (Penal Code § 2656 (a) and (b)).

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the on duty sergeant shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours of removal to determine if the removal will be injurious to the health or safety of the prisoner (Penal Code § 2656 (b)).

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the

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prisoner should be transferred to an appropriate medical detention facility or, in lieu of transfer, shall be provided with an opportunity to petition the Superior Court for the return of the appliance in accordance with Penal Code § 2656(b) and (c).

900.2 POLICY

Best Practice **MODIFIED**

The Tulare County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Sheriff's Substation holding facility. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 PRISONER SUPERVISION AND CLASSIFICATION

State **MODIFIED**

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

State **MODIFIED**

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Tulare County Sheriff's Office, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

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- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (j) Any individual who is obviously developmentally disabled (15 CCR 1057).
- (k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or restraints for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

State **MODIFIED**

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

State **MODIFIED**

The Station Commander or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the County, as required by 15 CCR 1027.

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900.3.4 TEMPORARY DETENTION OF JUVENILES

Agency Content

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles policy. Juveniles will not be permitted in the Temporary Holding Facility.

900.3.5 TEMPORARY DETENTION OF FEMALES

Agency Content

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present. (Title 15, California Code of Regulations § 1027, Penal Code § 4021)

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

900.3.6 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

Agency Content

Any Temporary Holding Facility incident that results in physical harm or serious threat of physical harm to an employee, inmate or other person shall be documented per the Force Options Policy, On-Duty Injuries Policy or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted to the Facility Manager as soon as reasonably practicable. The Facility Manager will retain a record of these reports for inspection purposes (15 CCR § 1044).

900.3.7 HANDCUFFING OF PREGNANT ARRESTEES

Agency Content

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

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

900.3.8 ENTRY RESTRICTIONS

Best Practice

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.

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- (c) Any other person authorized by the Lieutenant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

Best Practice MODIFIED

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

Best Practice MODIFIED

900.5.1 TEMPORARY CUSTODY LOGS

State MODIFIED

Any time an individual is in temporary custody at the Tulare County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Office.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Tulare County Sheriff's Office.

The Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

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The Lieutenant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.6 USE OF RESTRAINT DEVICES

Best Practice **MODIFIED**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg restraints, generally should not be used for individuals in temporary custody at the Tulare County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PRIMARY CONCERNS

State **MODIFIED**

- (a) Safety of public
- (b) Safety of department personnel
- (c) Safety of prisoners
- (d) Security of prisoners

900.6.2 NOTIFICATION

Agency Content

- (a) Station Commander or Night Watch Commander
- (b) All available sworn personnel
- (c) Fire Department
- (d) Medical aid
- (e) Booking Facility Commander

900.6.3 EMERGENCY EVACUATION

Agency Content

When time permits, all prisoners will be restrained, as deemed necessary by the deputy conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.6.4 EVACUATION FORMATION AREA

Agency Content

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All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 COUNTYWIDE OR REGIONAL DISASTERS

Agency Content

In cases of County or regional disasters, the Sheriff or his designee may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRST-AID / PROFESSIONAL MEDICAL ATTENTION

Agency Content

As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.7 PERSONAL PROPERTY

Best Practice MODIFIED

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Sheriff's Office shall maintain a copy of the property receipt.

The on duty sergeant and Station Commander, or Night Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The sergeant shall attempt to prove or disprove the claim.

900.7.1 TELEPHONE CALL PROCEDURES

Agency Content

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The Department will pay the cost of local calls. Long distance calls must be paid by the prisoners using calling cards or by calling collect.

Calls between the prisoner and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

The provisions of Penal Code § 851.5 shall be posted in bold block type in a conspicuous place within the Temporary Holding Facility.

900.7.2 ON-GOING TELEPHONE ACCESS

Agency Content

Once a prisoner has completed telephone calls provided by Penal Code § 851.5 and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with access to a telephone, as practical. In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the prisoner's desire for further phone access.

900.8 HOLDING CELLS

Best Practice MODIFIED

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall have constant auditory access to office members.
- (c) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (d) Safety checks by office members shall occur no less than every 30 minutes (15 CCR 1027.5).
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her wellbeing.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.8.1 RELEASE OF PRISONER'S PROPERTY

Agency Content

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Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing on the booking sheet.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the property receipt..

If a prisoner is released to the court or an deputy of another agency, all property will be released to that deputy who will be required to verify and sign for the property. The deputy transporting prisoners to court is required to obtain the receiving deputy's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the on duty sergeant who will interview the prisoner claiming the shortage prior to his/her release. The on duty sergeant shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

Best Practice **MODIFIED**

The Patrol Division Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Tulare County Sheriff's Office. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Duty Sergeant, Station Lieutenant or Night Watch Lieutenant, Investigation Division Captain, and Sheriff.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of County Counsel.
- (e) Notification of the Coroner, if required.
- (f) Evidence preservation.
- (g) In-custody death reviews (15 CCR 1046).
- (h) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525).

900.9.1 SECURITY

Agency Content

- (a) Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding

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Facility. An exception may occur only during emergencies upon approval of the Station Commander.

- (b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning when no prisoners are present, or in the event of an emergency, such as an evacuation.
- (c) Cell doors are to be locked at all times when prisoners are detained in the facility.
- (d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.
- (e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy.

900.9.2 RECEIPT OF PRISONERS

Agency Content

The arresting and or booking deputy should:

- (a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female deputies or other female officer whenever possible.
- (b) Inventory and record all property removed from the prisoner's person
- (c) Secure property for safekeeping
- (d) Remove all hazardous items from the prisoner's person
- (e) Remove belts, shoes and jackets
- (f) Complete the following:
 - 1. For non-retainable misdemeanor offenses, complete the Live Scan process.
 - 2. For retainable misdemeanor and felony offenses, complete the Live Scan process.
 - 3. For warrant arrests complete the Live Scan process.
 - 4. For traffic offense warrants, complete the Live Scan process.
 - 5. For juvenile arrests, complete the Live Scan process.
- (g) All prisoners arrested, both adult and juveniles, will be photographed.
- (h) Complete prisoner classification and screening. The arresting deputy will seek approval from his or her supervisor regarding the decision to keep the prisoner or transport.
- (i) Complete the Tulare County Sheriff's Department booking form.

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- (j) In the case of an arrest involving an intoxicated person, complete a Detoxification Assessment Form.
- (k) Before the booking procedure is completed, the arresting or booking deputy will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only.

900.9.3 PRISONER BEDDING

Agency Content

- (a) The booking deputy should offer one blanket and one mattress to each person booked into the facility.
- (b) Clean bedding should be stored in the Temporary Holding Facility storage room.
- (c) Blankets that have been used by a prisoner should be placed in the laundry bin after use by the deputy releasing the prisoner.
- (d) Used bedding will be cleaned, as needed, upon the direction of the Temporary Holding Facility Manager. It is the manager or his/her designee's responsibility to ensure that adequate supplies of clean blankets are available in the storage room for issue, as needed.

900.9.4 PRISONER FOOD SERVICE

Agency Content

- (a) Meals will be provided for prisoners detained in excess of six hours.

900.9.5 ATTORNEYS AND BAIL BONDSMEN

Agency Content

- (a) An attorney may visit the prisoner at the prisoner's request or a relative of the prisoner (Penal Code § 825).
- (b) Attorneys who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.
- (c) Both the attorney and the prisoner should be searched for weapons prior and after being admitted to the Temporary Holding Facility interview room.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded.

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900.9.6 RELEASE OF PRISONERS

Agency Content

- (a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.
- (b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.
- (c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.
- (d) Prisoners shall be released in accordance with state law. The releasing deputy will be responsible for the following:
 - 1. All proper reports and forms shall be completed prior to release.
 - 2. All bail moneys are accounted for.
 - 3. Bail bonds are attached to the necessary paperwork and placed in the bond basket in the Records Division.
 - 4. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
 - 5. The appropriate Temporary Holding Facility Log will be completed showing the date, time, and reason for release, as well as the releasing deputy's name.
 - 6. The prisoner being released will be escorted from the Temporary Holding Facility and sheriff's facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.7 FACILITY SANITATION AND MAINTENANCE

Agency Content

The supervisor should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported.

900.9.8 DEATH OF A PRISONER

Agency Content

In the event of a fatal injury or death of a prisoner while in custody of the Temporary Holding Facility, in addition to a standard criminal investigation, the Division Captain or the authorized designee shall report in writing to the Attorney General within 10 days after the death, all facts in the possession of the department concerning the death. In all such cases, the Station Commander

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shall be notified and will make the appropriate additional notifications as directed in the Temporary Holding Facility manual.

A medical and operational review of every in-custody death shall be conducted. The review team shall include the following:

- Division Captain, Station Commander or the authorized designee
- The health administrator
- The responsible physician and other health care and supervision staff who are relevant to the incident (15 CCR § 1046)
- County Counsel

900.9.9 PRISONER DISCIPLINE

Agency Content

Prisoner discipline will not be administered in this facility. Any prisoner who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR § 1081).

Custody Facilities

901.1 PURPOSE AND SCOPE

Agency Content

The Tulare County Sheriff's Department operates numerous detention facilities and court holding facilities throughout the county. Each facility maintains the policy and procedure manual that is in compliance with Title 15 of the California Code of Regulations. The manuals are to be updated on an annual basis. Each facility is inspected every two years by the Correctional Standards Authority of the State of California.

Custodial Searches

902.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Tulare County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

Federal

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

Best Practice

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

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902.4 SEARCHES AT SHERIFF'S FACILITIES

Best Practice

Custody searches shall be conducted on all individuals in custody, upon entry to the Tulare County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Best Practice

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Tulare County Sheriff's Office identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

Best Practice

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

Federal

No individual in temporary custody at any Tulare County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing

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a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Federal

Strip searches at Tulare County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Lieutenant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Lieutenant.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Lieutenant shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

Federal

A strip search may be conducted in the field only with Lieutenant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there

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is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Lieutenant authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

State

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Lieutenant and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Lieutenant's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any office members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative

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upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 TRAINING

Federal

The Training Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 BODY SCANNER SEARCH

State

If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members (Penal Code § 4030):

- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

Best Practice

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Tulare County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Agency Content

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.2.1 VETERAN'S PREFERENCE

Agency Content

Qualifying veterans of the United States armed forces shall receive a veteran's preference after receiving a passing score on an entrance exam (Government Code § 18973.1). This provision includes widows and widowers of veterans, and spouses of veterans who are 100 percent disabled.

1000.3 STANDARDS

Agency Content

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Tulare Department of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Tulare or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

Agency Content

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds

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- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within two years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 - 2. Involvement as a driver in two or more chargeable (at fault) collisions within two years prior to date of application.
 - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

Agency Content

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following shall be disqualifying:
 - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or voice stress analysis/polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

Agency Content

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
 - 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application

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2. Conviction for two or more misdemeanor offenses under California law as an adult
3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY

Agency Content

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following shall be disqualifying:
 1. Missing any scheduled appointment during the process without prior permission
 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
 3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult

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4. Having held more than nine paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence or verifiable explanation for numerous job changes may be excused from this requirement
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

Agency Content

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following shall be disqualifying:
 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

1000.3.6 PERSONAL SENSITIVITY

Agency Content

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact

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- (f) The following shall be disqualifying:
 - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
 - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
 - 3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.3.7 JUDGMENT UNDER PRESSURE

Agency Content

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following shall be disqualifying:
 - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
 - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

Agency Content

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 - 1. Any adult use or possession of a drug classified as a hallucinogenic within five years prior to application for employment
 - 2. Any adult use or possession of marijuana within six months.
 - 3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within five years prior to application for employment
 - 4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
 - 5. Any adult manufacture or cultivation of a drug or illegal substance

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6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
 7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than five years ago.)
 3. Any illegal or unauthorized use of prescription medications

Transfer Policy

1001.1 PURPOSE AND SCOPE

Discretionary

The purpose of this policy is to establish required and desirable qualifications for transfer within the ranks of the Tulare County Sheriff's Department.

1001.1.1 GENERAL REQUIREMENTS

Discretionary

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner.

1001.2 SWORN NON-SUPERVISORY SELECTION PROCESS

Discretionary

The following positions are considered transfers and are not considered promotions:

- (a) S.T.E.P
- (b) Detective
- (c) Field Training Officer
- (d) K-9 Officer
- (e) Community Based Officer

1001.2.1 DESIRABLE QUALIFICATIONS

Discretionary

The following qualifications apply to consideration for transfer:

- (a) Experience necessary to perform the required duties

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- (b) Non-Probationary
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by POST or law

1001.2.2 CAREER DEVELOPMENT PROGRAM

Agency Content

For the purpose of retention and as an incentive to self development, additional pay is authorized for Deputy II incumbent who meet the following criteria:

For those who were employed prior to July 23, 1995:

A. Advance Level - \$1,800.00 per year increase over "5" step of the incumbent's range.

1. Five years of continuous service as a Tulare County Deputy Sheriff.
2. Possession of the P.O.S.T. Intermediate Certificate.
3. Evaluations of "6" or higher on the current evaluation and a special performance appraisal done for compensatory purposes.

B. Senior Level - \$3100.00 per year increase over "5" step of the incumbent's salary range.

1. Two successive years at the advance pay level of Deputy II.
2. Possession of the P.O.S.T. Intermediate Certificate.
3. Completion of 120 hours of job related education or training as identified by Sheriff's Department policy (other than normal in-service training) at the Advance Level, or acquired 6 college semester units in lieu of the 120 hours.
4. Evaluations of "6" or higher on the current evaluation and a special performance appraisal at the Advance pay level.

C. Level III - \$4300.00 per year increase over "5" step of the incumbent's salary range.

1. Two successive years at the Senior Pay Level of Deputy Sheriff II.
2. Possession of the P.O.S.T. Intermediate Certificate.
3. Completion of 120 hours of job related education or training as identified by Sheriff's Department policy (other than normal in-service training) at the Senior Level, or acquired 6 college semester units in lieu of the 120 hours.
4. Evaluations of "6" or higher on the current evaluation or a special performance appraisal at the Senior pay level.

For employees employed and in Unit 13 on or after July 23, 1995:

A. Senior Level Payment of \$850.00 per year provided,

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1. Seven years of continuous service as a Deputy Sheriff II.
2. Possession of a POST Intermediate Certificate.
3. Completion of 120 hours of job related education or training as identified by the department.
4. Performance Evaluation with a rating of six (6) or higher.

B. Level III. Payment of \$1500.00 per year provided,

1. Two (2) years of continuous service at the senior level.
2. Possession of POST Intermediate Certificate.
3. Completion of 120 hours of job related education or training as identified by the department.
4. Performance Evaluation of six (6) or higher.

ADDITIONAL DETAILS OF REQUIREMENTS

A. Eligibility for the POST Certificates is not sufficient. A copy of the actual certificate must be filed in the officer's training records.

B. In regards to the job-related training and education criteria, satisfactory completion of the following courses will satisfy the requirement.

1. Any and all of the required college level courses, including the general education and elective requirements, in the following subject majors:

- a. Criminal Justice
- b. Business Administration
- c. Political science
- d. Public Administration
- e. Psychology
- f. Sociology

2. Any and all POST certified courses and seminars.

3. Any course designed to meet the certification requirements of instructors of in- service training courses.

4. Any other job-related course, class or seminar which has received prior written approval of the Sheriff or Undersheriff.

C. The following types of training will not meet the training/education criterion:

1. Squad meeting or roll-call training.
2. First Aid
3. Cardiopulmonary Resuscitation

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4. Normal, monthly firearms training
 5. Any college course or technical course for which the officer has received prior credit.
 6. Any correspondence course
 7. Any college course for which credit was awarded by challenge and/or examination only.
 8. Any college course for which credit was awarded for life, work, and/or military experience only.
- D. Length of Service Requirements are subject to the following rules:
1. Only time served in a full-time, permanent, sworn position will apply.
 2. No credit will be given for time served with any agency other than the Tulare County Sheriff's Department.
 3. Officers who are reinstated/transferred from another County Department, or laterally hired as mid-ranked Deputy Sheriff II's, must meet the conditions of the Special Compensation section of the Salary schedule.

APPLICATION PROCESS

- A. Deputies who meet the requirement for the program must submit an application in memo form to the Training Office. The application must include a statement of compliance for each of the criteria listed for the position.
- B. Deputies are responsible for supplying all verifying documentation to support their eligibility. The following training or education hours:
1. College Transcripts Note: 20 hours of training will be recorded for each semester unit, 15 hours will be recorded for each quarter unit.
 2. Certificates from approved training courses. If no certificate was issued, list the name of the course as well as the dates attended.

Seniority

1002.1 PURPOSE AND SCOPE

Agency Content

Seniority shall be determined as follows:

A. Command: When a question of seniority may arise regarding who shall be in command, such seniority shall be determined by:

1. Rank
2. Members of equal rank by designation.
3. Continuous service in the Sheriff's Department.

Where two or more members are of equal rank, seniority shall not be exercised except in an emergency situation requiring decisive action.

B. Vacation: Seniority is based on continuous service in rank in the Sheriff's Department.

1. When a conflict occurs upon the transfer of a member into a new division or unit who has previously been scheduled for vacation, the following shall occur:

- a. The Unit Commander shall attempt to resolve any conflict to the satisfaction of the parties involved, keeping in mind the operational responsibilities of the department.
- b. If such mediation fails, then the member with the longest continuous service will have priority in vacation selection.

C. Other: In all other situations which necessitate awarding privileges on a priority basis, priority will be given to the member with the greatest length of continuous service in rank, regardless of length of service in a particular unit.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

Discretionary

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Office's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

Discretionary

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any office employee that, if true, would constitute a violation of office policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1003.2 PROCEDURE

Discretionary

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Sheriff.
- (d) If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:

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Grievance Procedure

1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:
 - (a) The basis for the grievance (i.e., what are the facts of the case?).
 - (b) Allegation of the specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations that were violated.
 - (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Sheriff will receive the grievance in writing. The Sheriff and the County Administrative Officer will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the County Administrative Officer is considered final.

1003.3 EMPLOYEE REPRESENTATION

Discretionary MODIFIED

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS

Discretionary

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the County Administrative Officer's office to monitor the grievance process.

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Best Practice

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

1004.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

Federal

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

State

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust.

1004.4 REPORTING PROCEDURE

Best Practice

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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All members and all retired deputies with an identification card issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.5 PROCEDURE FOR RELIEF

State

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Office may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1004.5.1 NOTIFICATION REQUIREMENTS

State

The Administrative Services Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

The Administrative Services Supervisor shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace

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officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this office (11 CCR 1003).

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1005.2 POLICY

Best Practice

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1005.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Agency Content

Department employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on County property or at any other time.

1005.2.2 USE OF PRESCRIBED MEDICATIONS

Agency Content

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1005.3 GENERAL GUIDELINES

Federal

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Lieutenant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

Drug- and Alcohol-Free Workplace

1005.3.1 USE OF MEDICATIONS

Best Practice

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1005.3.2 MEDICAL CANNABIS

Best Practice

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Federal

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

Federal

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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1005.5.1 ADDITIONAL SCREENING TESTS FOR DEPUTIES

Agency Content

The Department may request an employee to submit to a screening test if the employee:

- (a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
- (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1005.5.2 SCREENING TEST REFUSAL

Agency Content

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1005.6 WORK RESTRICTIONS

Best Practice

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1005.7 SCREENING TESTS

Best Practice

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

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1005.7.1 SUPERVISOR RESPONSIBILITIES

Best Practice

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 DISCIPLINE

Best Practice

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1005.8 CONFIDENTIALITY

Best Practice

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

1005.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

Federal

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

Sick Leave

1006.1 PURPOSE AND SCOPE

Federal

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1006.2 POLICY

Best Practice **MODIFIED**

It is the policy of the Tulare County Sheriff's Office to provide eligible employees with a sick leave benefit.

Refer to Tulare County Personnel Rules, Rule 6, Section 6.7 (SICK LEAVE)

1006.3 USE OF SICK LEAVE

Discretionary

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

State **MODIFIED**

All members should notify their appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

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Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1006.4 EXTENDED ABSENCE

Best Practice **MODIFIED**

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

Refer to Tulare County Personnel Rules, Rule 6, Section 6.7 (SICK LEAVE)

1006.5 SUPERVISOR RESPONSIBILITIES

Best Practice **MODIFIED**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Refer to Tulare County Personnel Rules, Rule 6, Section 6.7 (SICK LEAVE)

Communicable Diseases

1007.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy provides general guidelines to assist in minimizing the risk of staff contracting and/or spreading communicable diseases.

1007.2 DESIGNATED INFECTIOUS CONTROL OFFICER (DICO)

Agency Content

The Division Captain shall designate an Designated Infectious Control Officer (DICO) who shall be responsible for:

- (a) Establishing written procedures and a training program related to BBPs.
- (b) Establishing written procedures and a training program related to ATDs.
- (c) Working with Unit Lieutenants to develop and administer any additional related policies and practices necessary to support the effective implementation of an Exposure Control Plan (ECP), including specific symptoms that require segregation of an inmate until a medical evaluation is completed (15 CCR 1051).
- (d) Acting as a liaison during OSHA inspections and conducting program audits to maintain a current ECP.
- (e) Maintaining a current list of facility staff requiring training, developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing the training program.
- (f) Reviewing and updating the ECP annually, on or before January 1 of each year.

Supervisors are responsible for exposure control in their respective areas. They shall work directly with the DICO and the affected employees to ensure that the proper procedures are followed.

1007.3 DEFINITIONS

Agency Content

Definitions related to this policy include:

Aerosol transmissible disease (ATD) - A disease or pathogen for which droplet (whooping cough, influenza, streptococcus) or airborne (measles, chickenpox, tuberculosis) precautions are required.

Aerosol transmissible disease (ATD) exposure - Any event in which all of the following has occurred:

- An employee has been exposed to an individual who has or is suspected to have an ATD, or the employee is working in an area or with equipment that is reasonably expected to contain aerosol transmissible pathogens associated with an ATD.

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- The exposure occurred without the benefit of applicable exposure controls required by this section.
- It reasonably appears from the circumstances of the exposure that transmission of disease is likely sufficient to require medical evaluation.

Airborne precautions - Include the use of an Airborne Infection Isolation Room (AIIR) that meets the American Institute of Architects/Facility Guidelines Institute (AIA/FGI) standards for AIIRs, for infectious agents such as measles, chickenpox, tuberculosis, etc., in addition to medical personnel wearing masks or respirators.

Bloodborne pathogens (BBP) - Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

Bloodborne pathogen exposure - Includes, but is not limited to, the contact of blood or other potentially infectious materials with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts, abrasions or any contact with blood or body fluids that is synonymous with bloodborne pathogen exposure as defined by the federal Centers for Disease Control and Prevention (CDC).

Ectoparasitic infections - Parasites that live on the skin, such as lice (pediculosis) and scabies (sarcoptic mange). Both infections are communicable and may lead to secondary infections.

HBV - Hepatitis B

HIV - Human Immunodeficiency Virus

Medical isolation - Housing in a separate room with a separate toilet, hand-washing facility, soap and single-service towels, and with appropriate accommodations for showering.

NIOSH - National Institute for Occupational Safety and Health

Nosocomial - Acquired during hospitalization. Nosocomial infections are infections that present 48 to 72 hours after admission to a hospital.

OSHA - Occupational Health and Safety Administration

Personal protective equipment (PPE) - Respiratory equipment, garments, gloves and other barrier materials designed to reduce employee exposure to hazards.

Source control measures - The use of procedures, engineering controls and other devices or materials to minimize the spread of airborne particles and droplets from an individual who has or exhibits signs or symptoms of having an ATD.

Standard precautions - Infection control practices used to prevent the transmission of disease that can be acquired by contact with blood, bodily fluids, non-intact skin (including rashes) and mucous membranes. Applies to all inmates receiving care, regardless of diagnosis or presumed infection status.

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Universal precautions - A set of precautions designed to prevent transmission of HIV, HBV and other bloodborne pathogens when providing first aid or health care.

1007.4 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

Agency Content

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1007.4.1 UNIVERSAL PRECAUTIONS

Agency Content

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1007.4.2 PERSONAL PROTECTIVE EQUIPMENT

Agency Content

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve

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- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment is to be kept in each sheriff's vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1007.4.3 IMMUNIZATIONS

Agency Content

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1007.4.4 EMPLOYEE TRAINING

Agency Content

The Training Unit shall provide education to all sworn staff who have contact with infected persons during the initial employee orientation and annually thereafter. The Training Lieutenant shall schedule this training and shall retain all associated records in accordance with established records retention schedules.

1007.4.5 WORK PRACTICES

Agency Content

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1007.5 DISPOSAL AND DECONTAMINATION

Agency Content

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

1007.5.1 USE OF WASTE CONTAINERS

Agency Content

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Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1007.5.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Agency Content

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

1007.5.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

Agency Content

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1007.5.4 DISPOSABLE PROTECTIVE EQUIPMENT

Agency Content

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be

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worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1007.5.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

Agency Content

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.34.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.32 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1007.5.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Agency Content

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots).

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1007.5.7 DECONTAMINATION OF CLOTHING

Agency Content

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Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. The clothing should be washed in soap and hot water or dry cleaned as soon as possible.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1007.5.8 DECONTAMINATION OF VEHICLES

Agency Content

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1007.6 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

Agency Content

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1007.6.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Agency Content

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should notify the Designated Infectious Control Officer (DICO) whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1007.6.2 SUPERVISOR REPORTING REQUIREMENTS

Agency Content

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.

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- (j) Actions taken post-event (e.g., clean-up, notifications).
- (k) Notify standby Designated Infectious Control Officer and brief.

The Designated Infectious Control Officer (DICO) shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1009.7, which addresses source testing.

If the DICO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1009.7).

1007.6.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Agency Content

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the DICO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1007.6.4 COUNSELING

Agency Content

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1007.6.5 CONFIDENTIALITY OF REPORTS

Agency Content

Communicable Diseases

Most of the information involved in this process must remain confidential. The DICO shall ensure that all records and reports are kept in the strictest confidence.

The DICO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Compliance Lieutenant shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1007.7 SOURCE TESTING

Agency Content

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the DICO to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Tulare County Sheriff's Office qualifies as a crime victim (Penal Code § 1524.1).
- (f) Request hospital test any available blood from source patient for blood borne pathogens consistent with Health and Safety Code § 120262 (d)(2).

1007.7.1 EXPOSURE FROM A NON-ARRESTEE

Agency Content

Upon notification of an employee's exposure to a person who was not arrested, the DICO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

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- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The DICO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the DICO should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

1007.7.2 EXPOSURE FROM AN ARRESTEE

Agency Content

Upon notification of an exposure to an employee by a person who was arrested, the DICO should take the following steps:

- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the DICO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

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Communicable Diseases

In the rare event that the exposed employee is not covered by either statutory scheme, the DICO should seek consent or a court order in the same manner as for a non-arrestee.

Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

Best Practice

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Tulare County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

State

The Tulare County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1008.3 SMOKING AND TOBACCO USE

Best Practice

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Tulare County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1008.4 ADDITIONAL PROHIBITIONS

State **MODIFIED**

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Personnel Complaints

1009.1 PURPOSE AND SCOPE

State

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Tulare County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1009.1.1 PERSONNEL COMPLAINTS DEFINED

Agency Content

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of County policy, department policy, federal, state or local law. Personnel complaints may be generated internally or by the public

Inquiries about employee conduct or performance that, if true, would not violate County policy, department policy, federal, state, or local law may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1009.2 POLICY

Best Practice

The Tulare County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.2.1 AVAILABILITY OF COMPLAINT FORMS

Agency Content

Personnel complaint forms will be readily available when requested. These forms are available at Headquarters and all substations.

1009.2.2 SOURCE OF COMPLAINTS

Agency Content

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1009.2.3 ACCEPTANCE OF COMPLAINTS

Agency Content

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action
- (b) When an uninvolved supervisor or the Lieutenant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form

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- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

1009.2.4 COMPLAINT DOCUMENTATION

Agency Content

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or enter it into the performance log.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1009.3 ASSIGNMENT TO ADMINISTRATIVE LEAVE

Best Practice MODIFIED

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Office, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1009.3.1 COMPLAINT FORMS

Best Practice MODIFIED

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms are also available at sheriff substations and detention facilities.

1009.3.2 AVAILABILITY OF WRITTEN PROCEDURES

State

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1009.4 DOCUMENTATION

Best Practice MODIFIED

Personnel Complaints

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All investigated complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1009.5 ADMINISTRATIVE INVESTIGATIONS

Best Practice

Allegations of misconduct will be administratively investigated as follows.

1009.5.1 SUPERVISOR RESPONSIBILITIES

State

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Lieutenant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Lieutenant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Lieutenant and the Sheriff are notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Department of Human Resources and the Lieutenant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

State **MODIFIED**

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Tulare County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after

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the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member under investigation may also record his or her interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1009.5.3 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

Best Practice

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1009.6 DISPOSITION OF PERSONNEL COMPLAINTS

Best Practice MODIFIED

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

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Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1009.7 ADMINISTRATIVE LEAVE

Best Practice **MODIFIED**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1009.7.1 CONFIDENTIALITY OF PERSONNEL FILES

Agency Content

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Office may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

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Sustained complaints shall be maintained in the employee's personnel file by means of a disciplinary document. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

Within 30 days of the final review by the Sheriff or designee, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, but will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his or her original complaint (Penal Code § 832.7).

1009.8 REQUIRED REPORTING TO POST

State

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Office and submitted to POST as required by Penal Code § 13510.9.
- (b) Events that could affect a deputy's POST certification, such as:
 - 1. Complaints, charges, or allegations of misconduct
 - 2. Findings of civilian review boards
 - 3. Final dispositions of any investigations
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Tulare County Sheriff's Office based on allegations of conduct by a deputy

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

Seat Belt Procedure

1010.1 PURPOSE AND SCOPE

State

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1010.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1010.2 WEARING OF SAFETY RESTRAINTS

Best Practice

MODIFIED

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1010.2.1 TRANSPORTING CHILDREN

Agency Content

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1010.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Best Practice

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

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1010.4 INOPERABLE SEAT BELTS

Best Practice

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.5 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.6 TRANSPORTING CHILDREN

State

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1010.7 VEHICLE AIRBAGS

Best Practice

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1011.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

Best Practice

It is the policy of the Tulare County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR

Best Practice MODIFIED

1011.4 ISSUANCE OF BODY ARMOR

Agency Content

The Personnel Lieutenant shall ensure that body armor is issued to all deputies and that the body armor meets or exceeds the standards of the National Institute of Justice when issued.

Body armor shall be issued when an deputy begins service at the Tulare County Sheriff's Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality have been compromised.

1011.5 RANGEMASTER RESPONSIBILITIES

Best Practice

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

1011.6 USE OF BODY ARMOR

Agency Content

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation they could reasonably be expected to take an enforcement action.

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- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an deputy is working in uniform.
- (e) An deputy may be excused from wearing body armor when he/she is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor; or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.7 INSPECTIONS OF BODY ARMOR

Agency Content

Supervisors should ensure that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted for fit, cleanliness, signs of damage, abuse and wear.

1011.8 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR

Agency Content

Officers should routinely inspect personal body armor for signs of damage and for general cleanliness.

Because dirt and perspiration may erode ballistic panels, each deputy shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

Personnel Records

1012.1 PURPOSE AND SCOPE

State

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 POLICY

State

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1012.3 OFFICE FILE

State

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).

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2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1012.4 DIVISION FILE

State

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1012.5 TRAINING FILE

Best Practice

An individual training file shall be maintained by the Training Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1012.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Agency Content

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved deputy or written authorization of the Sheriff or his or her designee.

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Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1012.6 INTERNAL AFFAIRS FILE

State

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Office to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1012.7 MEDICAL FILE

Best Practice

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

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- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1012.8 SECURITY

Best Practice

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Administrative Officer, County Counsel or other attorneys or representatives of the County in connection with official business.

1012.8.1 RELEASE OF PERSONNEL INFORMATION

State

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this office may be guilty of a misdemeanor (Penal Code § 146e).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1012.8.2 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

State

Information relating to the termination of a deputy from this office for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-

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employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1012.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

State

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in connection with an incident, whether the deputy's action was consistent with law and office policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by a deputy.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a deputy.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.

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4. A sustained finding that [an_officer-deputy] failed to intervene against another [officer-deputy] using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Office or oversight agency regarding:
 1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 3. A deputy engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
 4. A deputy made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the deputy resigns before the [DepartmentOffice] or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple deputies, the Office shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(5)).

1012.9.1 REDACTION

State

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

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- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1012.9.2 DELAY OF RELEASE

State

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 - 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or office policy, but no longer than 180 days after the date of the office's discovery of the misconduct or use of force or allegation of misconduct or use of force

1012.9.3 NOTICE OF DELAY OF RECORDS

State

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

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- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Office must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by deputies.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Office may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1012.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

State

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

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- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1012.11 RETENTION AND PURGING

Best Practice

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Request for Change of Assignment

1013.1 PURPOSE AND SCOPE

Discretionary

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1013.2 REQUEST FOR CHANGE OF ASSIGNMENT

Discretionary

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Division Commander.

1013.2.1 PURPOSE OF FORM

Discretionary

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1013.3 SUPERVISOR'S COMMENTARY

Discretionary

The deputy's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol deputies, the Patrol Lieutenant must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Patrol Lieutenant does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

Commendations and Awards

1014.1 PURPOSE AND SCOPE

Discretionary

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Tulare County Sheriff's Office and individuals from the community.

1014.2 POLICY

Discretionary

It is the policy of the Tulare County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS

Discretionary

Commendations for members of the Office or for individuals from the community may be initiated by any office member or by any person from the community.

1014.4 CRITERIA

Discretionary

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.4.1 OFFICE MEMBER DOCUMENTATION

Discretionary

Members of the Office should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 - 1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1014.4.2 COMMUNITY MEMBER DOCUMENTATION

Discretionary

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Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 - 1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1014.4.3 PROCESSING DOCUMENTATION

Discretionary

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Administrative Services secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Sheriff for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1014.5 AWARDS

Discretionary

Awards may be bestowed upon members of the Office and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Sheriff.

Fitness for Duty

1015.1 PURPOSE AND SCOPE

State MODIFIED

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1015.2 EMPLOYEE RESPONSIBILITIES

Best Practice

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

Best Practice MODIFIED

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Lieutenant or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

Fitness for Duty

1015.4 NON-WORK RELATED CONDITIONS

Best Practice MODIFIED

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1015.5 WORK RELATED CONDITIONS

Best Practice MODIFIED

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Lieutenant or unit supervisor and concurrence of a Division Commander, any employee whose actions or applied force option in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

State MODIFIED

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff or his designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with County Counsel to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

Fitness for Duty

- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.6.1 PSYCHOLOGICAL SERVICES

Agency Content

In all cases where any person has been injured or killed as a result of firearm discharge by a sworn officer, the involved officer shall be required to undergo debriefing with the department psychologist. The debriefing shall be scheduled 24 hours after the incident, but no later than 72 hours after the incident. The purpose of this debriefing will be to allow the officer to express his/her feelings and to deal with the moral, ethical, and/or

Psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department, except as required by law. The debriefing session will remain protected by the privileged physician-patient relationship, except as required by law. The officer will be placed on Administrative Leave immediately following the officer involved shooting and will remain on leave until cleared for duty by the department psychologist.

1015.7 LIMITATION ON HOURS WORKED

Best Practice

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1015.7.1 DRUG SCREENING

Agency Content

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Fitness for Duty

The Tulare County Sheriff's Department has the duty and responsibility to provide all of its employees with a healthy, safe and drug-free environment. The department has a further duty to the residents of Tulare County to have its officers perform their duties without impairment due to abuse of controlled substances or alcohol.

The illegal use of controlled substances and/or the unauthorized use of alcohol by its officers, whether on or off duty, poses a severe risk of harm to both the employees of the Sheriff's Department and the public at large.

Therefore, the department shall conduct periodic, random alcohol/drug testing of peace officers assigned to the Narcotic's and S.T.E.P. units. All other peace officers and public officers will be tested when there exists a reasonable suspicion to believe the employee may be abusing drugs or alcohol.

Drug testing will be completed quarterly on a random basis. The supervisor will randomly select personnel with no limit as to the number of personnel selected for the testing. The testing may include all personnel within the unit as deemed needed. A presumptive urine test will be collected and read by the supervisor to determine if there is any presence of an unauthorized substance. In the event a urine test indicates a presumptive positive the supervisor will notify the Narcotics commander and write a memo as to the findings. The presumptive testing kit will be provided to personnel for a urine sample. In the event the test results indicate no issues of concern the test kit may be discarded. The supervisor will maintain a log as to testing and results to keep record of the testing process. Personnel who through the random testing process, who may have not been selected during a one year cycle for testing, shall be tested before the end of a one year cycle. Personnel may, because of the random process, be tested in all four quarters. The supervisor upon a presumptive positive will direct personnel to provide a urine sample to be collected through an identified medical service. The results will be made known to the supervisor. In the event further testing reveals a positive result for an illegal substance or alcohol the supervisor will write an incident report and notify the Narcotics Commander for review.

No peace officer or public officer shall be under the influence of, or otherwise engage in the use, possession, transport, purchase, sale, or other distribution of a controlled substance (or alcohol) at any time while on duty, unless one of the following conditions exists:

- (a) The possession occurs lawfully as a result of an on-duty seizure or processing of evidence as part of a criminal investigation.
- (b) The officer came under the influence of a controlled substance as a result of an accidental contamination.
- (c) The officer was performing essential, on-duty acts while assigned undercover.

No officer shall report for duty under the influence of a prescribed medication that would render the officer unable to safely or effectively perform assigned duties.

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If the officer reports that a positive test for a controlled substance is the result of a prescription drug, the officer shall be required to provide adequate evidence of the prescription. Drug testing may be done on any officer when there exists a reasonable suspicion, based on articulate facts that:

- (a) The officer is under the influence of, or otherwise engaging in the use, possession, transport, purchase, sale or other distribution of a controlled substance.
- (b) The officer has violated departmental policies governing reporting to work under the influence of a prescribed medication.
- (c) The officer has violated departmental policies governing being under the influence of, or otherwise engaging in the use of, possession, purchase or sale of alcohol while on duty.
- (d) The officer has been exposed to a controlled substance capable of being involuntarily absorbed, including those situations in which a sworn officer believes he/she has been contaminated and asks for such testing.

Officers assigned to the Narcotics Unit and S.T.E.P. Unit may be tested at anytime without the need for reasonable suspicion.

Reasonable Suspicion Testing

Any supervisor or commanding officer who becomes aware of any of the above conditions shall follow these procedures:

- (a) In all cases where the officer is under the influence, or possibly under the influence, the supervisor will:
 - 1. Keep the officer in a location away from the public and away from other officers.
 - 2. Maintain intermittent observation of the officer.
- (b) A urine sample will be taken and submitted for analysis, following standard procedure.
- (c) If the officer's off-duty conduct violates department policy and/or law, the supervisor will:
 - 1. Prepare a written report in memo form and send it through the chain of command.
 - 2. If immediate action is necessary to protect the public or the officer's health and safety, the supervisor will follow the on-duty procedures.

Upon receiving information regarding any such incident, the Commander will:

- (a) Notify the Narcotics commander and assign the investigation to a Narcotics Investigator who shall:
 - (a) Investigate the matter following accepted narcotics investigation techniques.

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- (b) If probable cause does not exist and no criminal case can be pursued, the investigative reports will be sent to the Undersheriff via chain of command.

In all cases alleging violations of this section, the Undersheriff will:

- (a) Instruct Internal Affairs to conduct an Administrative investigation. The investigation will follow accepted lawful Internal Affairs techniques.

1015.8 APPEALS

Best Practice

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

Discretionary

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Administrative Officer.

1016.1.1 MEAL PERIODS

Discretionary

Sworn employees assigned to patrol and detentions and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol deputies shall request clearance from Dispatch prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 15 MINUTE BREAKS

Discretionary

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

Lactation Break Policy

1017.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

1017.2 POLICY

Federal

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1017.3 LACTATION BREAK TIME

Federal

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

Federal

The Office will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1017.5 STORAGE OF EXPRESSED MILK

Best Practice

Any employee storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the employee ends her shift.

1017.5.1 STATE REQUIREMENTS

State

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Reimbursement of Employee Expenses

1018.1 PURPOSE AND SCOPE

Agency Content

DEFINITION

This regulation covers: (A) Local expenses incurred on trips which do not involve approved overnight lodging; (B) Travel which is a result of the regular activities of a department in carrying out responsibilities prescribed by law and policies of the Board of Supervisors; and (C) Travel by County commissions, committees or boards.

A. Local Expenses

1. Reasonable and necessary local expenses incurred by a County employee while engaged in official County business may be reimbursed upon authorization of the Department Head, provided:

(a) The total amount claimed does not exceed the limits promulgated by the County Administrative Officer, exclusive of automobile mileage, parking costs and registration fees.

(b) Claimed expenses for meals and related items conform with Paragraphs 2, 3, 4, and 5.

(c) Claimed expenses for automobile mileage conform with Paragraphs 6 and 7.

2. Reimbursement per day of employee, in excess of that specified in Paragraph 1(a) above, may be approved by the County Administrative Officer, subject to the limitations specified in this regulation.

3. Expenses for meals and related items may be reimbursed if:

(a) The meals are for members of an oral board convened by the Personnel Department.

(b) The meals occur during meetings in which County business so transacted with County employees or, where appropriate, other individuals; upon approval by the Department head.

(c) The meal, other than lunch in Tulare County, is for a County employee engaged in County business which occurs during mealtime hours.

4. The cost of meals should not exceed the amounts authorized. When the cost of a meal is unavoidably in excess of this amount, upon approval by the Department Head, the actual amount will be paid.

5. All claims for reimbursement of meals for more than one person must be accompanied by a receipt or other proper certification as to cost. Receipts for items other than meals, such as parking costs, must accompany claims when such costs exceed the amount promulgated by the County Administrative Officer.

6. When authorized, private mileage will be reimbursed at the current approved rate.

(a) Reimbursement for mileage to or from an employee's home (as distinguished from mileage to and from the regular work location) will not be made unless the first or last stop of the work day

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is not the regular place the employee reports to work. In such cases, travel at the beginning of the work day will be reimbursed for mileage either from home to the regular work location or from regular work location to first stop. Likewise, travel at the end of the work day will be reimbursed for mileage from either the last work stop to home or from first the work stop to the regular work location.

(b) An officer or employee who has been assigned a County-owned or leased vehicle shall not be entitled to mileage reimbursement unless the assigned vehicle is unavailable for use or the County Administrative Officer determines that, in special cases, it would be inappropriate to use the assigned vehicle.

(c) An officer or employee who is temporarily absent from the County, on vacation or personal business, may claim mileage reimbursement from the vacation or business location, if required to return to Tulare County on County business, provided the location from which mileage is claimed is not more than 150 miles from Visalia.

7. Department heads shall insure that each employee driving on County business has a current driver's license and the minimum auto liability insurance coverage when required. (See Administrative Regulation #2)

B. Travel Expenses

1. Other than local expenses defined above, travel expenses of County employees shall comprise three classifications: (a) normal duty; (b) statutory meetings; and (c) other meetings and training sessions.

(a) Normal Duty Travel in the course of the regular activities of the department in carrying out responsibilities prescribed by law and policies of the Board of Supervisors. Examples of travel under this category include: a probation officer delivering a child to an institution or foster home; a Sheriff's deputy picking up a prisoner; an investigator procuring evidence; an employee studying procedures used in other counties as part of an authorized study; travel to present information to legislative committees in support of the County's legislative program. Advance authorization by the Department Head is required.

(b) Statutory Meetings Attendance at meetings convened by State or Federal officials or others mandated by State or Federal officials or others mandated by State or Federal law may be authorized by department heads.

(c) All other meetings or Training Sessions.

(1) Travel to meetings outside the State of California for one person per event may be approved by the Department Head. Out-of-state travel for more than one person per event shall be allowed only if approved in advance by the County Administrative Officer.

(2) Travel within the State of California may be approved by the Department Head.

2. Reimbursement Methods and Criteria. The limitations specified below shall apply to all reimbursement for travel authorized under Section B of this regulation.

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- (a) The County will reimburse all actual expenses which are reasonable and necessary. The Department Head must assure that the most economical means of transportation and subsistence is used. Travel authorization requests shall indicate estimated or actual expense.
- (b) Receipts shall be required for reimbursement of costs of registration, common carrier transportation, and lodging.
- (c) Reimbursements for mileage to or from an employee's home (as distinguished from mileage to and from the regular work location) will not be made unless the first or last stop of the work day is not the regular place the employee reports to work. In such cases, reimbursement will be made for mileage from home to the first (or last) stop, or from regular work location to first (or last) stop, whichever is less.
- (d) All claims for reimbursement of travel expenses shall be submitted to the Auditor-Controller for payment within thirty (30) days after the travel is concluded, on the "Travel Expense Claim" form.
- (e) It is the responsibility of the Department Heads to assure that each employee driving on County Business has a current driver's license and the minimum auto liability insurance coverage.
- (f) Actual and necessary costs of transportation and registration fees will be fully reimbursed. Transportation includes common carrier costs, supplementary ground transportation, including travel to and from a common carrier terminal (including parking), and private auto mileage, when authorized, for the sole means of transportation to and from the meeting. County vehicles should normally be used when the sole means of transportation is auto. Generally, County vehicles should not be used for supplementary ground travel. Rental of vehicles must be pre-approved by the County Administrative Officer.
- (g) Unless otherwise authorized, reimbursement for all costs of meals shall be included in a per diem, based on the amounts promulgated each year by the Administrative Officer in accordance with the Board of Supervisor's policy, utilizing as a minimum, the Los Angeles-Anaheim-Riverside Consumer Price Index for the recent 12 month period and recognizing other factors that affect the cost of meals and transportation, which shall not exceed a maximum increase of 9 % in any given year.
- (h) For separate periods of less than 12 hours, reimbursement will be made on the basis of actual expenditures verified by receipts whenever possible.
- (i) Claims will give the exact time of departure from and return to the County. No allowance is authorized for meals within the County except as provided for in Section A-Local Expense, above.
- (j) Employees will be reimbursed for approved lodging upon presentation of a receipt for the actual amount expended. Estimated lodging costs should be included on the "Travel Expense Claim" form (attached). The cost of overnight lodging within 75 miles of the County Civic Center will not be reimbursed unless authorized by the County Administrative Officer.
- (k) If a travel advance is required in connection with any travel authorized by this regulation, the Department head should so request by means of a "Travel Expense Claim" form to the office of the Auditor-Controller in accordance with procedures prescribed by that office. The Auditor-

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Controller is authorized to advance funds to County employees for travel expenses up to 90% of estimated net expense.

In accordance with the Board of Supervisors' policy on Administrative Regulation 1, the county's reimbursement for travel costs on official county business is hereby established. This rate shall be adjusted annually based on the Los Angeles-Anaheim-Riverside Consumer Price Index (CPI).

Per Diem: This includes meals and incidental expenses.

Payroll Records

1019.1 PURPOSE AND SCOPE

Discretionary

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

1019.2 POLICY

Discretionary

The Tulare County Sheriff's Office maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Discretionary

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1019.4 TIME REQUIREMENTS

Discretionary

MODIFIED

Payroll records shall be completed and submitted to the Sheriff's Fiscal Unit as established by the County payroll procedures.

The Salaries of employees shall be paid on the second Tuesday following the end of the pay period for all services rendered during the applicable work week period. If the Tuesday is a County Holiday, wages will be paid on Monday. Payroll records shall be completed and submitted to the Sheriff's Fiscal Unit no later than 9:00 a.m. on the Monday morning after the end of the pay period, unless otherwise specified.

1019.5 RECORDS

Federal

MODIFIED

The Sheriff's Fiscal Manager shall ensure that accurate and timely payroll records are maintained as required by County Payroll Procedures and the Code of Federal Regulations (29 CFR 516.2) for a minimum of three years.

Overtime Compensation Requests

1020.1 PURPOSE AND SCOPE

Discretionary MODIFIED

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an accurate timesheet.

1020.1.1 DEPARTMENT POLICY

Discretionary MODIFIED

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the maximum hours of compensatory time.

1020.2 ACCOUNTING FOR OVERTIME WORKED

Discretionary MODIFIED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, or callout). The employee will enter the actual time worked.

1020.2.1 ACCOUNTING FOR PORTIONS OF AN HOUR

Discretionary MODIFIED

When accounting for less than a full hour, time worked shall be rounded to the nearest tenth of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 3 minutes	0 hour
4 to 9 minutes	.1 hour
10 to 15 minutes	.2 hour
16 to 21 minutes	.3 hour
22 to 27 minutes	.4 hour
28 to 33 minutes	.5 hour
34 to 39 minutes	.6 hour
40 to 45 minutes	.7 hour
46 to 51 minutes	.8 hour

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52 to 57 minutes

.9 hour

58 to 63 minutes

1.0 hour

1020.3 FSLA COMPLIANCE

Agency Content

- (a) Personnel must be compensated for all County work performed as required by the FSLA. Hours of work include all of the time an employee is on duty at the employer's establishment or at a prescribed work place, as well as all other time during which the employee is permitted to do work for the employer.
- (b) Work schedules will be maintained for each work assignment that clearly defines the times an employee reports to work and ends his or her regular shift.
- (c) All employees are to report to their duty stations at the start of their assigned shift. Employees are not to report to their duty stations prior to the start of their shift, or perform any work on behalf of the County, or work past their scheduled end time unless approved in advance by a supervisor. Any time worked before or after the starting or ending time of an employee's shift must be reported on the time sheet.
- (d) Employees are required to report on their time cards all actual hours worked. Employees are required to note their exact start and end time daily. Employees are not allowed to not put time actually worked on their time sheets.
- (e) Supervisors and managers will insure that employees are accurately recording all hours worked on their time cards. - If an employee is observed arriving at work early or staying past his or her assigned shift without prior approval, the supervisor or manager will take immediate corrective action. The employee will be compensated for the unauthorized work time, but further unauthorized work time will be addressed through progressive discipline.
- (f) Employee time sheets will be reviewed and initialed by the approving supervisor on a daily basis.

Outside Employment

1021.1 PURPOSE AND SCOPE

Best Practice MODIFIED

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Best Practice MODIFIED

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1021.2 OBTAINING APPROVAL

Best Practice MODIFIED

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff and Human Resources. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a Request for Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration. If approved, the application will then be forwarded to Human Resources for review.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, it will be valid through the end of the calendar year in which the application is approved. Any employee seeking to renew an application shall submit a new Request for Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

Best Practice MODIFIED

If an employee's Request for Outside Employment Application is denied or withdrawn, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

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1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Best Practice **MODIFIED**

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

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

State **MODIFIED**

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

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1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

State

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The deputy(s) shall wear the departmental uniform/identification.
 - 2. The deputy(s) shall be subject to the rules and regulations of this department.
 - 3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1021.3.2 SPECIAL RESTRICTIONS

Best Practice

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

1021.4 DEPARTMENT RESOURCES

Best Practice **MODIFIED**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official

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records or databases of this department or other agencies through the use of the employee's position with this department.

1021.4.1 REVIEW OF FINANCIAL RECORDS

State **MODIFIED**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Best Practice

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Best Practice **MODIFIED**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment, a notice of revocation of the outside employment will be forwarded to the involved employee, and a copy attached to the original work application.

Criteria for revoking outside employment include, but are not limited to, the following:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Tulare County Sheriff's Department, a request (in writing) may be made to the Sheriff to restore the outside employment.

Safety Program

1022.1 PURPOSE AND SCOPE

Agency Content

It is the policy of this Office to limit the loss of time and resources due to accidents.

1022.2 SAFETY OFFICER PROGRAM

Agency Content

The Compliance Lieutenant will be the Department Safety Representative (DSR). The DSR will develop and maintain a Safety Officer program. The DSR can appoint others to assist in carrying out this duty. The Safety Officer program will include the following:

- Quarterly Safety Meetings involving Safety Officers.
- Recommendation of safety training efforts within the office and assistance in the development, coordination, training and documentation as necessary.
- Work to ensure that all levels of management contribute to ensure employees are aware of the safe operation and conditions of their job tasks, equipment and work area(s).
- Training for Safety Officers sufficient to complete duties as assigned.
- Maintaining the Sheriff's Office Injury Illness Prevention Program.
- Coordination with different departments and offices in Tulare County to ensure that the Sheriff's Office complies with all state and federal regulations.
- Work to ensure that all investigations concerning work place injury, illness, near miss or other hazardous occurrence are investigated and corrective action taken is communicated to all affected employees.

1022.3 SAFETY OFFICER DUTIES

Agency Content

Safety Officers will be selected by unit commanders for every unit deemed necessary by the DSR. This position will be an ancillary assignment and can include sworn or non-sworn staff members. The designated Safety Officers will have the following responsibilities:

- Attend all Tulare County Sheriff's Office Safety meetings and trainings.
- Coordinate with supervisors to ensure safe practices and protocols are created, implemented and maintained.
- Report safety concerns to supervisors and Department Safety Representative as needed.
- Relay information obtained from trainings to their respective units and/or worksites.
- Maintain required safety postings.
- May be required to maintain and inspect equipment or materials.

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- Inspect worksites periodically.
- Other related safety duties as needed.

Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

Discretionary

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1023.2 GROOMING STANDARDS

Discretionary

MODIFIED

Unless otherwise stated the following standards shall apply to all sworn and support staff personnel.

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1023.2.1 HAIR

Discretionary

MODIFIED

Hairstyles of all members shall be neat in appearance.

Sworn members: Regular style hair must not extend below the top edge of the uniform collar while assuming a normal stance and above the ears. Longer hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, or worn up in a tightly wrapped braid or ponytail. Hair color is limited to two (2) natural colors (i.e. highlights). No extreme colors are permitted (i.e. vibrant red, blue, green etc.).

For support staff members, hair color is limited to two (2) natural colors (i.e. highlights). No extreme colors are permitted (i.e. vibrant red, blue, green etc.).

1023.2.2 MUSTACHES

Discretionary

MODIFIED

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1023.2.3 SIDEBURNS

Discretionary

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR

Discretionary

MODIFIED

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Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee.

1023.2.5 FINGERNAILS

Discretionary MODIFIED

Sworn members: Fingernails shall be trimmed so that no point of the nail extends beyond 1/4" from the tip of the finger. If fingernails are colored, professional or natural looking color should be considered.

Support staff may have nails up to 3/8" beyond the tip of the finger. If fingernails are colored, professional or natural looking color should be considered.

1023.2.6 JEWELRY

Discretionary

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.3 TATTOOS

Discretionary MODIFIED

Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1023.4 BODY PIERCING OR ALTERATION

Discretionary

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.

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- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1023.5 EXEMPTIONS

State

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Occupational Disease and Work-Related Injury Reporting

1024.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1024.1.1 DEFINITIONS

State

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1024.2 POLICY

State

The Tulare County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1024.2.1 INJURIES REQUIRING MEDICAL CARE

Agency Content

All work related injuries and work related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1024.2.2 ACCIDENT DEFINED

Agency Content

Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1024.2.3 EMPLOYEE'S RESPONSIBILITY

Agency Content

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

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Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1024.2.4 SUPERVISOR'S RESPONSIBILITY

Agency Content

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

1024.2.5 DIVISION COMMANDER RESPONSIBILITY

Agency Content

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff.

1024.2.6 SHERIFF RESPONSIBILITY

Agency Content

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed

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in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1024.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Best Practice **MODIFIED**

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1024.3.1 MEMBER RESPONSIBILITIES

Best Practice

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1024.3.2 SUPERVISOR RESPONSIBILITIES

State

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1024.4 OTHER DISEASE OR INJURY

Best Practice

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1024.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

Agency Content

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement

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of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1024.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

Agency Content

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Sheriff. The purpose of such notice to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

Uniform Regulations

1025.1 PURPOSE AND SCOPE

Discretionary

The uniform policy of the Tulare County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of office uniforms. Employees should also refer to the following associated policies:

Office Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Tulare County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1025.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

State

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

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- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.
 - 1. Wrist watch
 - 2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1025.2.1 DEPARTMENT ISSUED IDENTIFICATION

Best Practice **MODIFIED**

The Sheriff's Office issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.
- (c) While at Headquarters, all employees will have their department issued identification clearly visible at all times.

1025.3 UNIFORMS

Discretionary **MODIFIED**

To establish specifications for the uniform of the Tulare County Sheriff's Office and to prescribe when and how the specified items shall be worn.

The uniform of the Tulare County Sheriff's Office is a symbol of our form of government and denotes honor toward those privileged to wear it, and shall be worn in the prescribed manner thereby commanding respect and reflecting honor and esteem towards the Sheriff's Office, the County of Tulare and law enforcement as a whole.

All items of the uniform shall meet the requirements and specifications set forth herein. Nothing is to be added to, subtracted from, substituted for, changed or altered on the uniform, any portion of the uniform, any articles or item of the uniform, or in the uniform regulations or specifications except by written order issued by the Sheriff.

MEMBER'S UNIFORMS

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Members assigned to the following Divisions, Sections, Details, or assignments shall wear the approved uniform while on duty unless otherwise directed or authorized by competent authority:

- (a) Deputies assigned to Patrol Division
- (b) Deputies assigned to Detention Division
- (c) Deputies assigned to Courts
- (d) All members so designated by the Sheriff or other competent authority for special assignments or occasions.
- (e) Sheriff's Service Officer (Courts)
- (f) Detention Service Officers
- (g) Food and Laundry Services Manager / Cooks / Laundry Technicians / Stock Clerk

1025.3.1 CLASS A UNIFORM

Discretionary **MODIFIED**

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

SHIRT, DRESS

Vendor Catalog Specifications Below:

Brand: Flying Cross

Silver Tan

65/35 Poly/Rayon blend.

- Men long sleeve, style: 19W6604 / short sleeve, style: 69R6604.
- Women long sleeve, Style: 103W6604 / short sleeve, style: 153R6604.
- Pleated pockets and scalloped flaps with Velcro closures.
- Full badge sling.
- Super-crease, military-styled creases front and back.
- Optional Concealed zipper front may be added.
- Shoulder Straps cross stitched symmetrically for a neater appearance.

White t-shirts are the only approved color to be worn with this shirt.

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The short sleeve shirt may be worn year around for assignments as designated by the Sheriff.

SHIRT, HOW WORN

No shirt shall be worn with the sleeves or cuffs rolled up. Pocket flaps shall be kept buttoned. Writing instruments shall be carried in pockets only and shall not be allowed to protrude more than one inch above the top of the pocket. When a tie is worn the collar button shall not be allowed to show. When a tie is not worn only the collar button shall be unbuttoned. All buttons shall be kept firmly affixed to the shirt and no button shall be allowed to remain unbuttoned except the collar button as previously described.

TIE

The tie shall be made of black material with a four-in-hand knot. It shall not exceed 3" nor be less than 2-1/2" at its widest point. A pre-tied snap away or safety type tie shall be worn. An optional black continental bow style tie may be worn and the button in the middle shall be covered in the same material as the tie. This style tie shall be worn with the button centered between the collar edges and the ends of the tie shall lay flat under the shirt collar. Ties will not be worn with the short sleeve shirt unless a uniform coat is worn over the short, in which case a tie is mandatory.

TIE CLASP

All uniform personnel, when wearing the regular four-in-hand tie, shall wear a gold colored tie bar. Such tie bar shall be 1/4" wide, 2" long and shall be free of any name, initials, design, ornament, fingerprints, marks, scars, or stains. The tie bar shall be worn only in a position forming a straight line between the lower points of the shirt pocket flaps.

JACKET, DRESS

Vendor Catalog Specifications Below:

Forest Green

Brand: Flying Cross / Style Number: CHP-646168

55/45 Poly/Wool blend, Elastique.

- Fully lined, three inside pockets and zipper front.
- Two pleated breast pockets with scalloped flaps and Velcro closures
- Bi-swing back, side straps with two buttons, cross-stitched shoulder straps and sewn-on cloth belt.
- Specially-size badge holder with black eyelets.
- Aiguillette hook under right shoulder strap.
- Gold colored Eureka buttons.

Jacket to be fitted so as to be worn loosely and straight down over the modified Sam Brown belt and accouterments.

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JACKET, DUTY

Green Flying Cross 59135

Insulated jacket: During the designated winter months and while participating in search and rescue operations a "Duty Jacket" may be worn. Such jacket shall be green and made of Gerber all nylon "Duty Twill" 96N or thinner all nylon "Combat Cloth." It shall be an "Eisenhower" style with a three piece waistband, double stitched on shirred elastic bands. The front closure shall be a hidden zipper and four button through gold colored metal "Eureka" 5/8" buttons. The sleeves shall be the swing action style with inside wristlets. A detachable collar of "Dyneel Fur" or similar material may be attached to the regular collar with snaps and buttons. It shall be fully lined with Dupont 100% Dacron 88% Polyester fiberfill or light nylon taffeta. It shall be insulated with a 4.4 oz. batting per 45 inch running yard consisting of 4 oz. of Dacron 88% fiberfill and 4 oz. of bonding agent or 1/8" thermofoam. There shall be two lower breast pockets 2" above the waistband. Such pockets shall be 6-1/2" by 7-3/4 inches with a 1-1/2" pleat. The pocket flaps shall be of scalloped three point style with hidden snaps at each point and with a gold colored metal 5/8" "Eureka" button through button in the center. A rectangular badge reinforcement tab with two metal eyelets shall be machine stitched to the jacket. Such tab shall be of same material as the jacket and centered over the left breast pocket.

LIGHT WEIGHT JACKET, DUTY

Rothco Olive Drab, Style 5873

Unlined Jacket: As an alternative to the insulated duty jacket, personnel may wear a lightweight, unlined jacket. Such jacket shall be the Rothco, Style 5873, Olive Drab jacket: 100% Polyester High Density Fabric, stow away hood, Mandarin collar, two 4" X 4" shoulder patch panels, forearm pocket on right sleeve, shoulder pocket on left, adjustable wrist cuffs and two hand pockets. Olive Drab cloth name plate and cloth badge.

TROUSERS, DRESS

Vendor Catalog Specifications Below:

Forest Green

Brand: Flying Cross or similar

55/45 Poly/Wool blend.

- Fabric weight and weave per vendor chart.
- Crush-proof hook and eye with fully functional French fly.
- Firm bar tacking at all stress points.
- Standard waistband curtain with Tru-Grip rubberized strips to keep shirts tucked in.

TROUSER BELT

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No trousers prescribed in these regulations shall be worn with the uniform unless the regulation belt is worn with them. Such belt shall be black leather with a basket weave design stamped into it. It shall be no less than 1-1/4" nor more than 1-1/2" wide. The belt buckle shall be silver colored metal and have a single tongue. Except as otherwise specifically stated in these regulations or when specifically set forth in any order published at the direction of the Sheriff, no holster, handcuff case or other accessory shall be worn in the trouser belt, except that personnel while fulfilling the duties of a jailer shall wear a regulation key strap with snap by which they shall carry the jail keys assigned to them. The belt shall be kept properly dyed and free of abrasions, cracks and blemishes.

FOOT WEAR

All footwear worn with the uniform shall be black. Shoes may be either low cut or high top with at least three sets of eyelets through which a shoestring shall be laced to hold each shoe firmly upon the foot. All shoes and boots shall have a plain or plain capped toe. The finish shall be smooth and kept polished to a high luster. All heels shall be made of rubber and kept in a good state of repair. No metal taps are to be worn on either the heels or soles of shoes or boots.

BOOTS

- (a) All Leather Boots: Black, all leather front laced boots are authorized for wear. They shall be constructed of smooth leather and polished to a gloss. The soles of the boot shall be slip and oil resistant. If the boot is of a side zipper type, the zipper shall be of a heavy duty type construction and firmly stitched to the boot.
- (b) Leather / Nylon Combination Boots: (Hybrid) Black Leather toe front laced boots with a nylon / leather upper (Hybrid) are approved for wear. The boots shall be manufactured with an all leather or synthetic type leather toe which is capable of being polished and shall be polished to a high luster. The upper portion of the boot shall be comprised of a high quality count (1000 or higher) Deneir type nylon and leather blend. If the boot is a side zipper type, the zipper shall be of a heavy duty type construction and firmly stitched to the boot. The soles shall be slip and oil resistant. The nylon portion of this boot shall not be visible at any time and shall be concealed by the pant legs on the Class A uniform pants when worn. The Leather / Nylon boot shall be manufactured by a quality boot maker such as Danner, Bates, 5-11, Thorogood or similar maker known for making quality law enforcement footwear. *No steel toed boot shall be worn at any time with any uniform

LEATHER GEAR

All leather gear shall be professional quality, black with the stamped basket weave design. Such leather shall be kept properly dyed, polished to a high gloss, and kept free of scratches, abrasions, cracks and blemishes. Gun Belt: The gun belt shall be made of 9-10oz. top grain cowhide, 2-1/4" wide with six sets of buckle and stud holes, with the end shaped like an English strap and placed through the buckle from left to right. The required articles shall be attached to such belt in the position prescribed. The buckle shall be solid metal, colonial type with two tongues and silver in color. Holsters, General: All holsters to be of good quality construction so constructed as to properly fit the weapon carried and should be finished with stamped basket weave design.

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All visible metal parts to be chrome or nickel plated. Key Strap: A key strap with snap shall be worn next to the cartridge case and on the side of the case away from the buckle. Handcuff Case: Such case shall be snapped closed with a chrome snap. Baton Ring: The baton ring on a strap shall be worn on the opposite side of the holster. Ammunition Holders: Deputies may utilize pouch type, open loop or speed loader carriers with black basket weave design. Holster, Semi-Automatic Pistol: The uniform duty holster shall be black and basket weave design. All holsters shall be professionally made and shall be designed to cover the trigger. Duty holster for the Colt, Smith & Wesson, Glock, and Sig Sauer pistol shall have a leather safety strap securing the pistol in the holster.

CAP DRESS

The "Stratton" straw campaign hat will be the Department issued Cap Dress and is designated as the official class "A" hat. The "Stratton" straw campaign hat, in "Forest Green" color, is optional head gear for the utility uniform.

Wear: the front of the hat should rest "two fingers" above the brow line in a "slight" upward slant to the rear. The black leather backstrap should rest on the back of the head approximately two inches below the bottom of the hat and/or directly under the bun.

HELMET, DUTY

The duty helmet will be Protec Armored Helmet, Threat Level III. The helmet will have the authorized chin strap and non-ballistic face shield. The helmet will be olive green in color. Names and decals are not permitted on the helmet.

CAP RAIN COVER

During inclement weather only a high visibility yellow plastic or nylon cap cover may be worn on the cap. It shall have an elastic band that will completely encircle the cap and hold the cover firmly to the cap. It may be designed to fit snugly over the cap visor.

BALLISTIC VEST CARRIER

Personnel in a position which authorizes you to wear a department issued concealable ballistic vest, a ballistic grade vest carrier may be worn in its place with approval from the division commander. This Ballistic Vest Carrier (BVC) shall be an optional item, the purchase of which shall be the sole responsibility of the employee. The BVC shall be purchased with double ammo pouch, double handcuff case, OC holder, impact weapon holder and utility pouch.

The BVC shall be worn over the authorized uniform shirt.

Ballistic Vest Specifications:

- Maker: U.S. Armor
- Model#: F-309030-TCV-SV-TAN
- Color: Silver Tan
- Back velcro patch: 4 inch X 8 inch. OD Green with SHERIFF in Yellow block letters

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- Front velcro patch: 1 inch X 3 inch name badge, Tan with Black block letters with first initial and last name
- Badge: Department issued metal badge

At no time shall this vest be substituted for the utility uniform shirt or dress shirt or be worn for any other occasion except those described above or as authorized by the Unit or Division Commander.

The individual officer may adjust the 5 utility pouches on the vest to their individual preferences but may not cover, remove or re-position the specified markings / patches on the vest as described above. The authorized attached pouches shall consist of double ammo pouch, double handcuff case, OC holder, impact weapon holder, and with a utility pouch or cross draw taser holster. The leather sam brown belt shall be worn along with the handgun in the approved holster. The taser if worn on the belt shall be worn within policy in a cross draw fashion.

At no time shall this vest be worn with the Class "A" Uniform or during a court appearance.

1025.3.2 UTILITY UNIFORM

Discretionary **MODIFIED**

Officers assigned to Operations Division, Detentions Division, and other sworn staff as assigned may, as specified by the department, wear a utility uniform, while on regular duty. The Utility uniform shall be an optional uniform. Utility uniform shall not be worn to any scheduled court appearances.

Utility Uniform: The uniform will be manufactured of a 65% polyester/ 35% Rayon, Tropical Weave, Silvertan in color. The brand shall be Elbeco Style 5572. No substitutes or equivalents.

Shirt:

The shirt shall be long or short sleeved. The regulation department shoulder patch shall be centered on both sleeves, below the sleeve shoulder seam and attached with black thread and machine stitched. Shirts shall have four permanent military creases, which are to be applied via a pneumatically controlled application of silicon sealant, so as to give permanency to the creases for the life of the garment. One crease in each front extending from hem to joining seam and through pockets and flaps. Three vertical creases in back; middle crease on center back line; side back creases spaced equally from center.

No service hash marks are to be displayed on the shirt.

Trouser:

Elbeco TekTwill™ (Galey and Lord style #1906), 65% Fortrel Polyester/35% vat dyed Combed Cotton two ply twill weave, OD Green in color. No substitutes or equivalents. Trouser will have two (2) "patch" type pockets. One (1) each on the front thigh area of each leg. Each pocket will have a flap closure with appropriate fastening device. Trouser legs maybe bloused or straight leg.

Optional Light-Weight Utility Uniform:

Elbeco ADU Ripstop Uniform

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Pants: Fabric: 65% polyester / 35% ripstop, Weight: 6.75 oz./sq.yd., machine washable.

Shirt: Fabric: 65% polyester / 35% ripstop, Weight: 4.5-4.75 oz./sq.yd., machine washable.

Badge:

Operations Division: The department issued badge will be worn on the shirt in the same location and manner as the Class "A" uniform.

Detentions Division: The badge is a cloth Tulare County Sheriff's badge that is sewn onto the shirt where the badge tab normally is located.

Name Tag:

Operations Division: The name lettering shall consist of the person's initial and the last name only and will be embroidered onto the shirt in black thread, centered directly above the right breast pocket. Each letter shall be 1/2 inch in height. The letters will be in standard print.

Detentions Division: The name lettering shall consist of the person's initial and the last name only and will be embroidered onto the Shirt in black thread, centered directly above the right breast pocket. Each letter shall be 1/2 inch in height. The letters will be in standard print.

Footwear

All footwear worn with the uniform shall be black. Shoes may be either low cut or high top with at least three sets of eyelets through which a shoestring shall be laced to hold each shoe firmly upon the foot. All shoes and boots shall have a plain or plain capped toe. The finish shall be smooth and kept polished to a high luster. All heels shall be made of rubber and kept in a good state of repair. No metal taps are to be worn on either the heels or soles of shoes or boots.

Boots

All Leather Boots:

- (a) Black, all leather front laced boots are authorized for wear. They shall be constructed of smooth leather and polished to a gloss. The soles of the boot shall be slip and oil resistant. If the boot is of a side zipper type, the zipper shall be of a heavy duty type construction and firmly stitched to the boot.
- (b) Leather / Nylon Combination Boots: (Hybrid) Black Leather toe front laced boots with a nylon / leather upper (Hybrid) are approved for wear. The boots shall be manufactured with an all leather or synthetic type leather toe which is capable of being polished and shall be polished to a high luster. The upper portion of the boot shall be comprised of a high quality count (1000 or higher) Deneir type nylon and leather blend. If the boot is a side zipper type, the zipper shall be of a heavy duty type construction and firmly stitched to the boot. The soles shall be slip and oil resistant. The nylon portion of this boot shall not be visible at any time and shall be concealed by the pant legs on the Class A uniform pants when worn. The Leather / Nylon boot shall be manufactured by a quality boot maker such as Danner, Bates, 511, Thorogood or similar maker known

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for making quality law enforcement footwear. *No steel toed boot shall be worn at any time with any uniform.

*No steel toed boot shall be worn at any time with any uniform

Baseball cap:

The baseball cap is authorized only to be worn with the Utility Uniform and shall be as follows:

- Flexfit # 6277
- Olive in color
- Embroidered "Tulare County" in cursive, tan lettering and "SHERIFF" in forest green block style print with Tan outline.
- The Deputy's last name only may be embroidered on the back of the hat in Tan letters. The name will be centered and proportioned no taller than (1") one inch in height.

Sam Brown:

The department designated Sam Brown and accompanying equipment will be of leather and will be worn in the same manner as the Class "A" uniform. The following equipment is approved as optional equipment that may be worn only with a Utility uniform:

Nylon Duty Belts and Holsters.

- (a) Bianchi Accumold duty belt and accessories
- (b) High-Quality Holsters designed for the make and model of the weapon will be used with Bianchi Accumold duty belt.

This equipment shall not be worn with any uniform other than Utility. This duty belt and holster must be entirely comprised of the above approved items. Regular basket weave leather gear cannot be used as any component of this belt.

1025.3.3 OTHER UNIFORMS

Discretionary **MODIFIED**

The Sheriff may authorize special uniforms to be worn by deputies in specialized units and other specialized assignments. This may also include Support Staff Units.

HONOR GUARD UNIFORM

Coat: Olive Drab, Bras, High Collar

Style: X1-PCOHGBLS01-05-MTM MTM

Brand: Vendor Catalog Specifications.

Gold wide braid shoulder cord with button loop. Worn on the right shoulder, under epaulet.

Campaign Hat: Olive drab, with gold metallic cap cord.

Trousers: Black Straight Leg, Style Number: 28P8696, Poly/wool blend, Vendor catalog Specifications.

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Trouser legs will provide easy fit and will be long enough to break slightly over the shoe in front and to reach the juncture of the welt of the shoe in the rear. A variation of 1/4 inch above/below the welt is acceptable. Hems will be from 2 inches to 3 inches wide.

Shoes: High Gloss Uniform "Oxford" style, black mirror finish.

Gloves: Sure grip white honor guard gloves, long.

Badge: TCSO Honor Guard Badge, Standard Style, no rank, TCSO Star with Honor Guard Ribbon.

Gold name plate, Cavalry Crossed Sabers collar pins, gold, 2 1/4 inch worn on each side forward coat collar.

Gold leaf Honor Guard Pin, 1 inch in size, double pine back attachments, metal to be worn directly over the name plate.

Rank of sergeant and above; rank insignia will be affixed to your uniform shoulder epaulets.

Equipment

- Sam Brown Belt with Shoulder Strap, Clarion high gloss black finish.
- Two shoulder strap sliding "D" rings, Clarion high gloss black finish
- Holster for Glock model 22,.40 caliber, right hand draw, Clarion high gloss black finish.
- Double magazine pouch for Glock model 22,.40 caliber, Clarion high gloss black finish.
- Single handcuff case, Clarion high gloss black finish.
- Rifle, Ruger Mini-14, high gloss wood finish.

UNIFORM, CHAPLAIN

All embroidery work shall be done with the bright gold thread. All accessories (i.e., belt, shoes, name tag, etc.) shall be the same as those specified for deputy sheriffs.

The Chaplain uniform shall consist of the following:

CHAPLAIN CLASS 'A' UNIFORM (MANDATORY)

- Badge: TCSO Chaplain Badge, Standard Style
- Gold name plate
- 2 appropriate religious symbol collar pins, worn on each side of the shirt collar (OPTIONAL)
- Shirt: Long sleeve, Flying Cross Brand, tropical, white in color, straps and two breast pockets with flap secured by one button. The shirt will have the designated Deputy's shoulder patches on each sleeve, 3/4" from the shoulder seam.
- Trousers: Forest green, #168 Milliken, #32265 100% polyester, 13 1/2" or elastique weave with solid gold 3/4 inch trouser stripe down the outside seam of both legs
- Jacket (OPTIONAL) Black nylon, zipper front. The jacket will have 'Chaplain' embroidered 1/2 inch above the right pocket. A badge reinforcement tab may be sewn to the outside of the jacket.

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- Religious Symbol (OPTIONAL) In place of a badge tab, an appropriate religious symbol may be embroidered 12 inch above the left breast pocket (i.e., Cross, Star of David, etc.). The symbol shall be no more than 2 ½ inches by 1 9/16 inches (the arms of the cross shall be no more than 3/8 inch in width).
- Necktie: Black clip-on
- Belt: Trouser, black 1 1/4"-1 1/2" wide, stamped with basket weave pattern, with square chrome buckle.
- Hat: (OPTIONAL) The "Stratton" straw campaign hat, green in color. The hat will be affixed with the issued departmental cap piece.
- Service Stripes (OPTIONAL) For each three years of Chaplain service, one service stripe attached to the left sleeve of their uniform shirt

CHAPLAIN OPTIONAL UNIFORM

Non sworn personnel may wear the approved optional uniform as described below.

- Shirt: The Department authorized shirt, as described in Policy "Casual Friday".
- Pants: 511 Tactical pant (FBI style)
- Pants: Slacks
- Department Authorized knit beanie hat
- Department Authorized baseball cap described in the Deputy's Utility Uniform policy
- "Chaplain" may be embroidered on the back of the hat in gold thread. "Chaplain" will be centered and proportioned no taller than (1") one inch in height.

At no time will portions of the Class "A" uniform be mixed with any portions of the Class "B" uniform.

Chaplain Class A uniforms or Optional uniforms will only be worn while on duty or while en route to duty.

Upon resignation of any Chaplain (affected by written request to the Chaplain Coordinator) the resigning Chaplain shall surrender his/her uniform, insignia, accessories and Chaplain's identification to the Chaplain Coordinator or the Sheriff or his designee

UNIFORM, DETENTION SERVICE OFFICER

The Detention Service Officer uniform shall consist of the following:

- Badge: The badge is a cloth Tulare County Sheriff's badge sewn in place where the badge holder normally is located.
- Shirt: Long or short sleeve, Flying Cross Brand, tropical, white in color, straps and two breast pockets with flap secured by one button. The shirt will have the designated Deputy's shoulder patches on each sleeve, 3/4" from the shoulder seam.
- Trousers: Forest green, #168 Milliken, #32265 100% polyester, 13 1/2" or elastique weave with no stripe and no sap pockets. When assigned to work in a location out of the public view, green Levi type pants are permissible.
- Shoes: Low-cut or high top, solid black in color with plain toe, rubber soles and heels. Boots are authorized in plain black.
- Jacket: Black nylon, zipper front.
- Necktie: Black snap-on, four-in hand, 2 1/4"-3" at wide point.

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- Belt: Trouser, black 1 1/4"-1 1/2 " wide, stamped with basket weave pattern, with square chrome buckle.

UNIFORM, DISPATCHER

The Dispatcher uniform shall consist of the following:

Vendor Catalog Specifications Below:

- Shirt: Long or short sleeve, Polo or Woven Button-Up Style

Polo Style

Short Sleeve, Men's CS410, and Women's CS411

Woven Button-Up Style

Short Sleeve, Men's S508, and Women's L508

Long Sleeve, Men's S608, and Women's L608

Authorized Colors: Black, Dark Green, Tan, or White

Your name and Communication Unit will be embroidered on the right side of shirt.

The left side will have the Tulare County Sheriff logo without the badge.

- Pants: 511 Tactical Pant (#74251-FBI style) or Slacks

The uniform is ordered through a specific vendor

UNIFORM, JAIL COOKS

Jail cooks while on duty as such shall wear the approved tan and green cook's clothing. Such clothing shall be maintained in a neat and clean condition at all times. The cloth Cook badge shall be worn in the proper position on the left side of the chest at all times while on duty in such clothing. A name plate meeting the specifications and worn shall be affixed to the right side of the uniform.

UNIFORM, VIP

The VIP uniform shall consist of the following:

- Badge: The badge is a cloth Tulare County Sheriff's badge sewn in place where the badge holder normally is located with the word "Volunteer" above the badge and the word "Patrol" below the badge.
- Shirt: Long or short sleeve, Flying Cross Brand, tropical, white in color, straps and two breast pockets with flap secured by one button. The shirt will have the designated Deputy's shoulder patches on each sleeve, 3/4" from the shoulder seam.
- Trousers: Black cotton twill material.
- Hat: Volunteers will wear a black baseball cap with "Sheriff's VIP Patrol" on the front.
- Shoes: Low-cut or high top, solid black in color with plain toe, rubber soles and heels. Boots are authorized in plain black.
- Jacket: Black lined nylon windbreaker Sheriff's Department shoulder patches on each sleeve, 3/4" from shoulder seam. The jacket will have a cloth badge with the word "Volunteer" above the badge and the word "Patrol" below the badge.

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- Nameplate: The standard Tulare County Sheriff's name plate, to be worn just above the pocket seam, right side.

UNIFORM, EXPLORER

- Shirt: White regulation dress shirt, military style, tailored. The Explorer patch will be worn on the shirt sleeves.
- Trousers: Forest green, standard type uniform pant of Tulare County Sheriff's Department, with royal blue stripe trimmed with gold down outside leg seams.
- Hat: Forest green, round style uniform cap and black ball cap with mesh back and fabric front.
- Shoes: Black with a plain toe, no design, and black laces. Jet or Jodhpur type boots are permitted as long as trouser legs do not ride on top of boot.
- Jacket: Black medium weight or heavy tuffy jacket. The approved shoulder patch will be worn on the jacket.
- Tie: Clip on type, black wool or polyester. The lower most portion of the tie shall not be less than 1" or more than 3" above the belt. The tie bar shall be gold colored, no design, and shall be worn even with the bottom of the shirt pocket flaps.
- Belt: Black basket-weave uniform dress belt with silver buckle.

Uniforms shall be worn only to designated POST meetings, POST functions and POST-authorized volunteer and educational activities, or en route to and from such meetings, functions, and activities. NO EXCEPTIONS. Members will not use the uniform for the purpose of receiving gratuities or public esteem.

UNIFORM, RESERVES

Reserve Deputies: All reserve deputies shall abide by the rules, regulations and specifications as set forth herein.

The Sheriff Posse and Other Volunteer Groups: No member of any posse or other volunteer group which is sponsored by this department shall wear any uniform except that which has been authorized by the Sheriff and communicated to the members through their officers.

Load Bearing Tactical Vests:

A green, load bearing tactical vest is approved to be worn by personnel assigned to the Investigations Unit and / or the K-9 Unit. This vest may only be worn by Personnel assigned to the Investigations Division and / or the K-9 Unit while engaged in special details such as: search warrant services, SWAT call-outs, gang details, K-9 searches, K-9 call-outs, training, or any other occasion as authorized by command staff.

The green load bearing vest shall have a 4"-1/8" X 10"-3/4" inch "Sheriff" patch affixed to the top back of the vest and clearly visible from the back. An additional "Sheriff Star" patch shall be affixed to the left front breast portion of the vest and clearly visible from the front. The individual officer may adjust the utility pouches on the vest to their individual preferences but may not cover, remove or re-position the specified markings / patches on the vest as described above.

Investigative Unit Personnel shall wear this vest over the authorized daily attire or utility uniform or as authorized by the respective Unit or Division Commander.

Personnel assigned to the K-9 Unit shall wear the vest over the Tan & Green Utility Uniform only or as authorized by the Unit or Division Commander.

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At no time shall this vest be substituted for the utility uniform shirt or dress shirt or be worn for any other occasion except those described above or as authorized by the Unit or Division Commander.

At no time shall this vest be worn with the Class "A" Uniform or during a court appearance.

1025.3.4 FOUL WEATHER GEAR

Discretionary **MODIFIED**

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear. The official uniform raincoat shall be custom waterproofed 100% nylon. It shall be high visibility yellow, single-breasted with a short cape or over-jacket. The front may be fastened by zipper, snap fasteners, or yellow buttons. The coat shall be long enough to extend at least 1" below the knee. A badge holder shall be located on the center of the left breast of the cape or over-jacket and the badge shall be properly attached thereto at all times when this coat is worn. Unless otherwise directed it shall be permissible to continue to wear a clear or green tinted plastic raincoat which will allow the uniform to be seen through it. The badge shall not be worn on this type of raincoat.

1025.3.5 TAGNET / GANG UNIFORM SPECIFICATIONS

Agency Content

Authorization:

Officers assigned to the Tagnet / Gang Violence Suppression Unit within the Operations Division may, as specified by the department, wear a green utility uniform with mandatory vest while on regular duty. The green utility uniform shall be an optional uniform and will be designated as the Green Utility Uniform. The green utility uniform shall be an optional uniform and worn at the direction and the discretion of the Tagnet/ Gang Violence Suppression Unit supervisor, unit or division commander or any other command staff within the department. No sworn personnel, other than officers assigned specifically to the Tagnet/ Gang Violence Suppression Unit within the Operations Division shall wear or is authorized to wear the green utility uniform at any time.

The Green Utility Uniform shall not be worn to any scheduled court appearances or in any public forum where a Class A uniform would be appropriate.

Green Utility Uniform Specification:

El Beco Style 5619 OD Green ADU Ripstop Long Sleeve Shirt.

El Beco Style 5639 OD Green ADU Ripstop Short Sleeve Shirt.

El Beco Style E5709R Od Green ADU Cargo Pant.

No service hash marks are to be displayed on the shirt. :

The department badge will be worn on the shirt in the same location and manner as the Class A uniform.

Name Patch: The first initial and last name will be embroidered on to the shirt in gold thread, centered directly above the right breast pocket. each letter shall be one inch in height. the letters will be standard print.

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A ballistic grade vest/ carrier shall be worn for officer safety, during patrol and enforcement actions, and while generally in the public view.

Ballistic Vest Specifications:

- Maker; Safariland ABA
- Model#: DN6313
- Color: Tactical Green (OD Green)
- Back velcro patch for SHERIFF: 8 1/2 in. x 3 in.
- Front velcro patch for SHERIFF: 3 in. x 6 in.
- Front velcro patch for badge: 3 in x 3 in.

Gang Unit Name Patch:

The name "GANG UNIT" will be embroidered onto the shirt in gold thread and centered directly above the left breast pocket beneath the department badge. Each letter shall be inch in height. The letters will be in standard print.

Epaulet:

A 1-1/2" inch wide black with gold bordered epaulets shall be worn on the green utility uniform shirt and shall be placed independently onto the affixed shoulder epilate of each shoulder of the uniform blouse. These epaulettes are also authorized to be worn on the Tan & Green Utility uniform and the Class "A" Tan uniform shirt in the same manner. At no time shall epaulettes be worn on the Class "A" Green Uniform Jacket for any reason.

Foot Wear: The footwear worn with the Green Utility Uniform shall be either of the following

BOOTS:

All Leather Boots:

- (a) Black, all leather front laced boots are authorized for wear. They shall be constructed of smooth leather and polished to a gloss. The soles of the boot shall be slip and oil resistant. If the boot is of a side zipper type, the zipper shall be of a heavy duty type construction and firmly stitched to the boot.
- (b) Leather / Nylon Combination Boots: (Hybrid) Black Leather toe front laced boots with a nylon / leather upper (Hybrid) are approved for wear. The boots shall be manufactured with an all leather or synthetic type leather toe which is capable of being polished and shall be polished to a high luster. The upper portion of the boot shall be comprised of a high quality count (1000 or higher) Deneir type nylon and leather blend. If the boot is a side zipper type, the zipper shall be of a heavy duty type construction and firmly stitched to the boot. The soles shall be slip and oil resistant. The nylon portion of this boot shall not be visible at any time and shall be concealed by the pant legs on the Class A uniform pants when worn. The Leather / Nylon boot shall be manufactured by a quality boot maker such as Danner, Bates, 5-11, Thorogood or similar maker known

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for making quality law enforcement footwear. *No steel toed boot shall be worn at any time with any uniform

Baseball cap: The baseball cap authorized to be worn with the Green Utility Uniform shall be as follows:

- Flexfit # 6277
- Green in color
- Embroidered TCSO letters Yellow in color with Tan outline. The letters shall be 3/4" in height and 3/4" in width with an over all length of 4". The letters shall also be italic from left to right.
- A (6) six pointed star with round tips shall be embroidered in Tan in the center of the face of the cap. The star shall be 2 " tall and 2 1/4" wide. The star shall appear as behind the TCSO letters.
- The Deputy's last name only may be embroidered on the back of the hat in Yellow letters. The name will be centered and proportioned no taller than (1") one inch in height.

The Green Baseball cap may be worn only with the Green utility uniform. The Green baseball type cover will not be allowed with the class A uniform at any time.

Duty Belts and Holsters:

The department designated Sam Brown and accompanying equipment is approved for use with the black utility uniform. It will be of leather and will be worn in the same manner as the Class A uniform.

Optional Equipment: (Duty Belts, Holsters, Load Bearing Vests)

The following equipment is approved as optional equipment that may be worn only with a black utility uniform or the tan and green utility uniform:

Nylon Duty Belts and Holsters

- (a) Bianchi Accumold duty belt and accessories
- (b) High Quality Holsters designed for the make and model of the weapon to be used with Bianchi Accumold duty belt
 - 1. High-Quality "drop-down" tactical holster.

The Nylon duty equipment / holsters shall not be worn with any uniform other than the utility uniforms described. This duty belt and holster must be entirely comprised of the above approved items. Regular basket weave leather gear cannot be used or substituted as any component of this belt.. Item # "C" above, the "Drop-Down" holster, may only be worn when the "Load Bearing Vest" described below is worn.

Load Bearing Tactical Vests:

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A green load bearing tactical vest is approved to be worn by gang unit personnel over the green utility uniform shirt while on regular duty, special details, SWAT call-outs, gang details and other occasions as authorized by supervisory and command staff.

The green load bearing vest shall have a 4"-1/8" X 10"-3/4" inch "Sheriff" patch affixed to the top back of the vest and clearly visible from the back. An additional "Sheriff Star" patch shall be affixed to the left front breast portion of the vest and clearly visible from the front. The individual officer may adjust the utility pouches on the vest to their individual preferences but may not cover, remove or re-position the specified markings / patches on the vest as described above.

1025.4 INSIGNIA AND PATCHES

Discretionary **MODIFIED**

BADGE

Only the regulation issue badge or one of the same size, color and design shall be worn with the uniform and kept visible at all times. Except as otherwise stated in these regulations, the badge shall always be worn on the outer-most garment. On a uniform shirt or on the dress jacket the badge shall be centered over the left breast pocket with the bottom point of the badge no less than 1/2" nor more than 3/4" above the shirt or jacket pocket. When other garments are worn, the badge shall be attached at the location of the badge reinforcement, if such exists, or at the location where such would normally be attached. Personnel on duty in plain clothes shall have their badge upon their person but shall not carry it loose in a pocket or in any other manner by which it is apt to become scarred, bent out of shape or damaged in any other way. Nor shall it be attached to any article of apparel in such a manner that it may become obvious to other persons except as the result of an act necessary for identification purposes in the line of duty or other necessary and sanctioned acts. Plain clothes officers may carry their badge in an authorized holder on their belt. During the investigation of major crimes, disasters or incidents where a large number of onlookers are present and it is deemed necessary or desirable for the purpose of controlling such onlookers or to facilitate the movement of such officers through a crowd the badge may be properly attached to the outer-most garment on the left side of the chest. Badges shall not be bent, flattened or purposely defaced. Officers are not to use abrasive cleansers or polishes to shine the badge. All personnel while off-duty shall have their badge upon their person when away from their home. The badge shall not be carried in any manner previously described above as being irregular for officers in plain clothes.

SHOULDER PATCHES

The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4" below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

Sheriff: The Sheriff shall have two gold colored nylon stripes on each jacket sleeve, each of which shall be 3/4" wide. The bottom of the first stripe shall be 2" above the cuff of the sleeve. The bottom of the second stripe shall be 1/4" above the top of the first stripe.

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Undersheriff: The Undersheriff shall have two gold colored nylon stripes on each jacket sleeve, each of which shall be 3/4" wide. The bottom of the first stripe shall be 2" above the cuff of the sleeve. The bottom of the second stripe shall be 1/4" above the top of the first stripe.

Assistant Sheriff: The Undersheriff shall have two gold colored nylon stripes on each jacket sleeve, each of which shall be 3/4" wide. The bottom of the first stripe shall be 2" above the cuff of the sleeve. The bottom of the second stripe shall be 1/4" above the top of the first stripe.

Captain: Captains shall have two gold colored nylon stripes on each jacket sleeve, each of which shall be 3/4" wide. The bottom of the first stripe shall be 2" above the cuff of the sleeve. The bottom of the second stripe shall be 1/4" above the top of the first stripe.

Lieutenant: Lieutenants shall wear one gold colored nylon stripe on each sleeve. Each stripe shall be 1/2" wide and the stripe shall be 3" above the sleeve cuff.

Other Personnel: All personnel below the rank of lieutenant shall wear a 1/2" blue nylon thread stripe with a 1/8" gold nylon thread stripe bordering each side. The bottom edge of such stripe shall be located 3" up from the edge of the sleeve cuff. Such striping shall be machine stitched to the outside half of the sleeve only the ends of the stripe shall be tucked and stitched into the seams of the sleeve.

STRIPE, TROUSER

Officers: All regulation dress and summer trousers shall have a stripe down the outside of each trouser leg. Such stripes shall run from the top of the pocket at the seam of the waistband to the bottom of the trouser leg where it shall be turned up inside of the cuff for not less than 1". Personnel of the rank of Lieutenant and above shall wear a stripe 3/4" wide, made of gold nylon thread. Such stripes shall be machine stitched to the trousers.

Other Personnel: All personnel below the rank of Lieutenant shall have a stripe down the outside of each trouser leg which shall consist of 1/2" blue nylon thread stripe with a 1/8" gold colored nylon thread stripe bordering each side. Such stripe shall be machine stitched to the trouser leg and shall run from the top of the pocket at the seam of the waistband to the bottom of the trouser leg and shall run from the top of the pocket at the seam of the waistband to the bottom of the trouser leg where it shall be turned up inside of the cuff for not less than 1".

STRIPE, SHIRT AND JACKET

Service Stripe:

- For each three years of regular full-time paid law enforcement experience in California, all personnel shall wear one service stripe attached to the left sleeve of their uniform shirt.
- All personnel of the rank of Lieutenant and above shall wear on the left sleeve of their uniform dress jacket, one service stripe for each three years of service as specified in section above. Such stripes shall be of gold nylon thread embroidered to around such gold stripe. Such stripe may be embroidered directly on the sleeve or on forest green material neatly and firmly machine stitched to the sleeve with thread of matching color.

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The service stripe shall be at a 45 degree angle with the lower end 3/4" above the top of the gold stripes of the cuff. It shall be centered on the sleeve between the front and rear pressed creases.

- All personnel of the rank of sergeant and below shall wear on the left sleeve of their uniform dress jacket, one stripe for each three years of service as specified in the first paragraph above. Such stripe shall be of blue nylon thread embroidered to form a stripe 1/4" wide and 2" long with an 1/8" gold nylon thread trim embroidered around the blue. Such stripe may be embroidered directly on the sleeve or onto material matching the shirt material which shall be neatly and firmly machine stitched to the sleeve with thread of matching color. The stripe shall be a 45 degree angle with the lower end of the stripe toward the inside seam of the sleeve and approximately 3/4" of the center press of the sleeve.

STRIPE, SERVICE, RESERVE DEPUTIES

All reserve deputy personnel of this department shall wear, on the left sleeve of both their uniform shirt and dress jacket, one service strip for each three years of service WITH THIS DEPARTMENT ONLY. Such stripes shall be of the kind described in third paragraph above and shall be firmly affixed to the sleeve in the manner prescribed in this section.

STRIPE, SERVICE, ADDITIONAL

In all cases where two or more service stripes are authorized and are not embroidered directly on the sleeve but rather onto background material as specified and stitched to the sleeve, all such stripes shall be embroidered to a single piece of background material. Each service stripe shall be added no sooner than 30 days prior and no later than 30 days after each third anniversary date.

NAME PLATE

While in uniform, all sworn personnel shall wear a gold colored metal name plate. Such plate shall be 2" wide and 3-3/8" long. The lettering shall consist of the person's initial and the last name only. First name or rank shall not appear. All lettering shall be high, machine engraved and finished in black enamel. Such plate shall be arranged with two clutch type fasteners and positioned on the shirt or jacket in such a manner it is centered over the right pocket. The bottom edge of the plate shall be parallel to the top edge of the pocket flap at the point it is sewed to the shirt. There shall be no more than 1/8" of the shirt showing between the edge of the flap and the bottom edge of the plate. The plate shall be free of fingerprints, marks, scars, stains, and other substance or damage.

ASSIGNMENT INSIGNIAS

Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.

S.T.E.P. EPAULET INSIGNIA

All special tactical enforcement personnel assigned to the S.T.E.P. unit shall wear a Nylon ribbon royal blue in color 1-1/2" x 1-7/8", bordered with a 1/8" gold nylon thread. The ribbon is to be affixed to and centered on both uniform epaulets. The ribbon which visually denotes the S.T.E.P. membership is to be worn at all times on both winter and summer uniform shirts until such time as the assignment is terminated.

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S.T.E.P. PIN

All special tactical enforcement personnel while assigned to the S.T.E.P. unit shall wear affixed to their uniform in the prescribed manner the S.T.E.P. pin which visually denotes the S.T.E.P. membership. The pin is described as gold in color, a six point star, " in diameter, surrounded in gold leaf with a blue center and the letters S.T.E.P. embodied in gold. The pins are to be worn at all times on either class A or B uniform shirts, dress jacket, black nylon jacket or the fatigue uniform. It shall be fixed to the right pocket flap centered between the button and the inside left seam and centered between the top and bottom of the pocket flap.

CANINE PIN

All personnel while assigned to the Canine Program shall wear affixed to their uniform in the prescribed manner the Canine pin which visually denotes Canine membership. The pin is described as gold in color, letter and numeral K-9. The pins are to be worn at all times on Class A, Class B or Utility Uniform shirts, dress jacket, or green nylon jacket. It shall be affixed above the right pocket flap, centered over the name plate.

S.E.R.T. EPAULET INSIGNIA

All personnel assigned to the Sheriff's Emergency Response Team shall wear a Nylon ribbon gold in color 1-1/2" x 1-7/8", bordered with a 1/8" royal blue nylon thread. The ribbon is to be affixed to and centered on both uniform epaulets. The ribbon which visually denotes the S.E.R.T membership is to be worn at all times on both winter and summer uniform shirts until such time as the assignment is terminated.

S.E.R.T. PIN

All special tactical enforcement personnel while assigned to the S.E.R.T. unit shall wear affixed to their uniform in the prescribed manner the S.E.R.T. pin which visually denotes S.E.R.T. membership. The pin is described as gold in color with the letters S.E.R.T. The pins are to be worn at all times on either class A or B uniform shirts, dress jacket, green nylon jacket or the fatigue uniform. It shall be affixed above the right pocket flap, centered over the name plate.

F.T.O. PINS / J.T.O. PINS

All personnel assigned as a Field Training Officer or Jail Training Officer shall wear affixed to their uniform in the prescribed manner the F.T.O pin or J.T.O. pin, which visually denotes Field Training Officer assignment or Jail Training Officer assignment. The pin is described as gold in color, capital letters F.T.O. / J.T.O. The pin shall be worn at all times on the uniform shirt, dress jacket, green nylon jacket or fatigue jacket. It shall be affixed above the right pocket flap, centered over the name plate.

DIVE PIN

All personnel while assigned to the Dive team shall wear affixed to their uniform in the prescribed manner the Dive Pin which visually denoted Dive Team assignment. The pin is described as gold

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in color, a scuba diver enclosed in a circular gold band. The pin shall be worn above the right flap pocket, centered over the name plate.

SEARCH AND RESCUE TEAM PIN

All personnel while assigned to the Search and Rescue team shall wear affixed to their uniform in the prescribed manner the Search and Rescue Team pin which visually denotes Search and Rescue Team assignment. The Search and Rescue Team pin is gold in color, capital letters S.A.R. The pin shall be worn above the right flap pocket, centered above the name plate.

HONOR GUARD

All personnel while assigned to the Honor Guard shall wear affixed to their uniform in the prescribed manner the metal Gold-Leaf Honor Guard Pin, 1 inch in size, double pin back attachments, centered above your name plate.

FLAG PIN

A flag pin may be worn, centered above the nameplate.

RANK INSIGNIA

The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff or his designee may authorize exceptions. All personnel with the rank of Sergeant and above shall wear the designated insignia of such rank at all times when in uniform. Any member promoted shall, within 48 hours thereafter, secure the designated insignia for such rank and attach it to this uniform in the prescribed manner and location.

Sheriff: The Sheriff's insignia shall consist of four gold colored, connected, metal, five pointed stars, each 1" in diameter with a smooth finish, which shall be attached to the top of each shoulder of the dress jacket with a pin and safety catch type fastener, located directly over the seam of the shoulder and centered between the sleeve seam and the shoulder strap button. Five 1/2" gold colored metal, five pointed stars with a smooth finish and which are attached to a small straight metal bar shall be attached to each side of the shirt collar. One point of each star shall point upwards in such a manner that a line bisecting the center of the stars will be parallel to the top edge of the collar. They shall be centered between the top and bottom edges of the collar and the center of the front shall be 1" in from the front edge of the collar. They shall be attached to the shirt collar with two clutch type fasteners.

Undersheriff: The Undersheriff's insignia shall consist of three gold colored, connected, metal, five pointed stars, each 1" in diameter with a smooth finish, which shall be attached to the top of each shoulder of the dress jacket or duty jacket, with a pin and safety catch type fastener. They shall be located directly over the seam of the shoulder and centered between the sleeve seam and the shoulder strap button. Three 1/2" gold colored metal, five pointed stars with a smooth finish and which are attached to a small straight metal bar shall be attached to each side of the shirt collar. One point of each star shall point upwards in such a manner that a line bisecting the center of the stars shall be parallel to the top edge of the collar. They shall be centered between the top and

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bottom edges of the collar and the center of the front star shall be 1" in from the front edge of the collar. They shall be attached to the shirt collar with two clutch type fasteners.

Assistant Sheriff: The Assistant Sheriff's insignia shall consist of two gold colored, connected, metal, five pointed stars, each 1" in diameter with a smooth finish, which shall be attached to the top of each shoulder of the dress jacket or duty jacket, with a pin and safety catch type fastener. They shall be located directly over the seam of the shoulder and centered between the sleeve seam and the shoulder strap button. Two 1/2" gold colored metal, five pointed stars with a smooth finish and which are attached to a small straight metal bar shall be attached to each side of the shift collar. One point of each star shall point upwards in such a manner that a line bisecting the stars shall be parallel to the top edge of the collar. They shall be centered between the top and bottom edges of the collar and the center of the front star shall be 1" in front of the edge of the collar. They shall be attached to the shirt collar with two clutch type fasteners.

Captain: Captains shall wear a pair of parallel and connected plain gold colored metal bars. Those worn on the shoulder of the dress jacket, duty jacket or alpaca coat shall consist of two bars 3/8" wide and 1" long, spaced horizontally 1/4" apart. They shall be attached with a pin and safety type fastener in a position that is centered between the front and rear edges of the shoulder strap and parallel to the sleeve seam. A pair of small gold colored metal parallel bars shall be worn on each side of the shirt collar. They shall be centered between the top and bottom edges of the collar and shall be 5/8" in from and parallel with the forward edge of the collar. Such bars shall be 3/8" wide, 1" long, have square corners and have a 1/8" space between them with a small connecting link at each end to hold them in their proper positions. They shall be attached to the collar with two clutch type fasteners.

Lieutenant: Lieutenants shall wear a single gold colored metal bar attached to the top of each shoulder of the jacket, centered between the front and rear edges of the shoulder strap and approximately 1" in from the parallel to the sleeve seam. Such bars shall have a smooth finish, be 3/8" wide and 1" long. A small single gold colored metal bar shall be worn on each side of the shirt collar. It shall be centered between the top and bottom edges of the collar and shall be 1/4" in from and parallel to the forward edge of the collar. Such bars shall have a smooth finish and shall be attached with two clutch type fasteners. Each bar shall be 3/8" wide, and 3/4" long, square corners and slightly beveled edges on top.

Sergeant: When wearing a long or short sleeve shirt, dress jacket or duty jacket, each sleeve shall have a cloth chevron affixed thereto. Such chevron shall consist of three blue nylon thread bars 3" wide with each bar forming two sides of a triangles, with the center point up. Each bar shall be bordered with gold colored nylon thread. Such bars shall be machine stitched onto a black backing. There shall be 3/16" of the black backing showing between each stripe and as a border completely around the three stripes. Such chevron shall be attached to the sleeve with machine stitched black thread sewed through the outer edge of the backing material. The chevron shall be centered on the outside of the sleeve with 1" of the sleeve material showing between the top point of the chevron and the bottom edge of the department patch.

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Corporal: When wearing a long or short sleeve shirt, dress jacket or duty jacket, each sleeve shall have a cloth chevron affixed thereto. Such chevron shall consist of two blue nylon thread bars 3" wide with each bar forming two sides of a triangles, with the center point up. Each bar shall be bordered with gold colored nylon thread. Such bars shall be machine stitched onto a black backing. There shall be 3/16" of the black backing showing between each stripe and as a border completely around the two stripes. Such chevron shall be attached to the sleeve with machine stitched black thread sewed through the outer edge of the backing material. The chevron shall be centered on the outside of the sleeve with 1" of the sleeve material showing between the top point of the chevron and the bottom edge of the department patch.

Field Training Officer (FTO) / Jail Training Officer (JTO): When wearing a long or short sleeve shirt, dress jacket or duty jacket, each sleeve shall have a cloth chevron affixed thereto. Such chevron shall consist of one blue nylon thread bars 3" wide with each bar forming two sides of a triangles, with the center point up. Each bar shall be bordered with gold colored nylon thread. Such bars shall be machine stitched onto a black backing. There shall be 3/16" of the black backing showing between each stripe and as a border completely around the one stripe. Such chevron shall be attached to the sleeve with machine stitched black thread sewed through the outer edge of the backing material. The chevron shall be centered on the outside of the sleeve with 1" of the sleeve material showing between the top point of the chevron and the bottom edge of the department patch.

Senior Deputy Sheriff: All personnel participating in the Career Development Program, Senior Deputy Sheriff I or II, shall wear the designated insignia at all times when in uniform. The insignia is described as an embroidered " by 4-1/2" curved tab, matching the colors and style of the department shoulder patch. The tab shall read SENIOR DEPUTY SHERIFF and be centered " below the sleeve shoulder seam and centered over the department shoulder patch of each uniform required to have shoulder patches. It shall be attached with black thread and machine stitched in such a manner that such stitching shall no be obvious.

1025.4.1 MOURNING BADGE

Best Practice MODIFIED

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- A deputy of this department:
 - From the time of death until midnight on the 14th day after the death.
- A deputy from this or an adjacent county:
 - From the time of death until midnight on the day of the funeral.
- Funeral attendee:
 - While attending the funeral of an out of region fallen officer.
- National Peace Officers Memorial Day (May 15th):
 - From 0001 hours until 2359 hours.

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- As directed by the Sheriff.

1025.5 CIVILIAN ATTIRE

Discretionary MODIFIED

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All administrative, investigative and support personnel who elect to wear civilian clothing to work may wear button style shirts with a collar, a tie, blouses, and slacks, suits that are moderate in style or dresses.
- (c) Sworn personnel may wear the approved optional uniform as described below.
 - 1. Shirt: The Department authorized shirt, as described in Policy 1033.5.4 "Casual Friday".
 - 2. Pants: 511 Tactical pant (#74251 - FBI style)
 - 3. Pants: Slacks
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Tulare County Sheriff's Department or the morale of the employees.

VIOLATIONS

For violations of this dress code, the following is recommended:

Issues of dress or personal grooming which are presented should be first discussed with the individual's supervisor and the department head or designee before discussing the matter with the employee. If it is then determined that an issue is presented which requires further attention, then:

- (a) The employee should be interviewed by a supervisor or manager to determine if any medical, religious, or safety issue is presented.

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- (b) If no medical, religious, or safety issue is presented, the employee should be counseled regarding the inappropriate clothing, and/or;
- (c) The employee should be directed to not wear the inappropriate clothing to work again, and/or;
- (d) The employee may be sent home on their own time to change the inappropriate attire.
- (e) The employee should be advised that further violation could lead to disciplinary action.
- (f) The counseling should be documented.

1025.5.1 CIVILIAN CLOTHING

Agency Content

All personnel when assigned to work in civilian clothing shall maintain a clean and neat appearance at all times. Such clothing shall be the type worn by a business or professional person. Suits or dress slacks shall be worn with a tie. Sweaters, shirts without coats, strapless, narrow strapped, backless or low cut neckline dresses shall not be worn. Those personnel carrying a weapon in plain view shall display their badge in an appropriate badge holder immediately adjacent to the firearm. Open toes or sandal type shoes shall not be worn with civilian clothing while on duty. Ornaments of or with miniature guns or handcuffs shall not be worn on the tie, tie clasp, lapel or belt. All employees are expected to dress in attire appropriate for the type of work they are assigned. An employee will be sent home to change if he or she arrives to work in clothing that is unsafe or that detracts from the ability of the County to appropriately conduct business.

All exceptions to these provisions must be approved by the Division Commander.

1025.5.2 SUPPORT STAFF - OPTIONAL UNIFORM

Agency Content

Non sworn personnel may wear the approved optional uniform as described below.

- (a) Shirt: The Department authorized shirt, as described in Policy "Casual Friday".
- (b) Pants: 511 Tactical pant (FBI style)
- (c) Pants: Slacks

1025.5.3 CASUAL FRIDAY

Agency Content

An authorized Sheriff's Department shirt is optional and can be worn for "Casual Fridays", training, Department functions and as authorized by the Division Commander.

Each supervisor will be responsible for monitoring their staff. Below is a list of inappropriate attire:

Sweat pants

Sweat shirts

Sweat suits

*All General Clothing Guidelines also apply to "Casual Friday".

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SWORN PERSONNEL

Sworn employees authorized to wear civilian attire while on duty will be allowed to participate in the "Casual Friday" policy. Those officers will be required to wear the authorized Sheriff's Department shirt with slacks or "Dockers" style casual pants. Sworn officers will not be allowed to wear jeans, unless specifically approved by the Division Commander. Footwear will consist of boots or casual shoes. Tennis shoes, open-toed shoes, or sandals will not be allowed.

If called to appear in court, sworn personnel will make arrangements to change into the authorized uniform or professional business attire before appearing.

Department shirts shall have the Department Star with Tulare County above and Sheriff's Department below in embroidery above the left pocket.

- (a) Sworn Staff: The employee's first and last name shall be embroidered above the right pocket and the rank directly below the name.
- (b) Support Staff: The employee's first and last name shall be embroidered above the right pocket and the "Support Staff" directly below the name.
- (c) Chaplains: The chaplain's first and last name shall be embroidered above the right pocket and the designation of, "Chaplain" directly below the name.

The authorized shirts are as follows:

- (a) Polo Style:
 - 1. Port Authority short sleeve# Men's K500 - Women's L500 as listed in vendor catalog.
 - (a) White
 - (b) Black
 - (c) Dark Green
- (b) Twill Style:
 - 1. Port Authority long sleeve # Men's S608 - Women's L608 as listed in vendor catalog.
 - 2. Tri-Mountain short sleeve# Men's S508 - Women's L508 as listed in vendor catalog.
 - (a) White
 - (b) Black
 - (c) Dark Green

These shirts are currently ordered through a specific vendor. The shirt order forms may be obtained from the Deputy Sheriff's Association Office.

1025.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

State

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Uniform Regulations

Unless specifically authorized by the Sheriff, Tulare County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Tulare County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1025.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

Discretionary **MODIFIED**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Refer to Personal Property Policy).

1025.7.1 RETIREE BADGES

State **MODIFIED**

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Tulare County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Tulare County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1025.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Discretionary

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Tulare County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Tulare County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

1025.9 MATERNITY ALTERATIONS

Agency Content

The Sheriff has authorized the alteration of support staff and volunteer uniforms for maternity purposes. The uniform shirt may be worn un-tucked and in a professional manner.

The Office polo and button up shirts for support staff may also be altered for maternity purposes.

Any other alterations must be approved by a station commander.

Dress Code

1026.1 PURPOSE AND SCOPE

Agency Content

It is important that all Sheriff Department staff, regardless of their function or assignment, recognize that they represent to the public and to other agencies, the professional standard and image of the department. This dress code incorporates and expands on the minimum dress code requirements as outlined in Personnel Rule 20 of the Tulare County Personnel Rules on Dress Code to be adhered to by Tulare County Sheriff Department support staff.

1026.2 PERSONNEL APPEDARANCE STANDARDS

Agency Content

1026.3 GENERAL GUIDELINES

Agency Content

The following general guidelines shall pertain:

- (a) Clothes shall be neat, clean, tidy, and fit appropriately and shall not constitute a safety hazard.
- (b) Clothes shall not contain any political statements or symbols; pornography; offensive language, images, logos or trademarks; or advertising or promotion of alcohol or drugs.
- (c) Clothes shall not be ripped, torn, frayed, faded or worn.
- (d) No clothes shall be worn which expose undergarments, midribs or the lower back area.
- (e) Employees shall not be permitted to work barefoot and footwear should be selected for safety and comfort.
- (f) No hats shall be worn. (Exceptions may pertain for outside work or for religious, medical, or safety reasons.)
- (g) Pants shall be no shorter than the mid-point between the knee and the ankle and shall be of an appropriate dress pant style (no "skinny" style pants).
- (h) Skirts and dresses shall be no shorter than three inches above the top of the knee cap while standing. Skirts and/or dresses shall not have slits of more than two inches in length.

In addition to the above restrictions, the following are specifically **not permitted**:

- Flip flops, beach thongs, sandals (or any shoe with any portion of the shoe that goes between the toes), tennis shoes, slippers, "Birkenstocks" or similar, "Crocs" or similar. Exceptions/waivers are permitted with a physician's note or supervisor/manager approval. If an exception/waiver is granted, the shoes shall be a neutral color (black, navy, brown, white, beige/tan).

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- Tank tops, crop tops, halter tops, tube tops, or shirts/blouses with cutout backs or criss-cross straps.
- T-shirts, with or without print, sports team apparel, or undergarment style t-shirts.
- Sweat pants/shirts, jogging pants, or workout clothes.
- Sheer, risqué or low cut neckline blouses/shirts/dresses.
- Leggings, stirrup pants or stretch pants.
- Denim pants (Jeans); vibrant printed pants; bib overalls; fitted, cropped "Capri" or "pedal pusher" style pants.
- Shorts of any type.

1026.4 SUPPORT STAFF OPTIONAL UNIFORM

Agency Content

Support Staff personnel may wear the approved optional uniform as described below.

- (a) Shirt: The Department authorized shirt, as described in Policy 1033.5.3 "Casual Friday".
- (b) Pants: 511 Tactical pant (#74251 - FBI style)
- (c) Pants: Slacks

The Sheriff or his designee may allow jeans to be worn in assignments where slacks may be easily damaged. (ie. Farm Crew Leader)

1026.5 VIOLATIONS

Agency Content

For violations of this dress code, the following is recommended:

Issues of dress or personal grooming which are presented should be first discussed with the individual's supervisor and the department head or designee before discussing the matter with the employee. If it is then determined that an issue is presented which requires further attention, then:

- (a) The employee should be interviewed by a supervisor or manager to determine if any medical, religious, or safety issue is presented.
- (b) If no medical, religious, or safety issue is presented, the employee should be counseled regarding the inappropriate clothing, and/or;
- (c) The employee should be directed to not wear the inappropriate clothing to work again, and/or;
- (d) The employee may be sent home on their own time to change the inappropriate attire.

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- (e) The employee should be advised that further violation could lead to disciplinary action.
- (f) The counseling should be documented.

Nepotism and Conflicting Relationships

1027.1 PURPOSE AND SCOPE

Discretionary

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1027.1.1 DEFINITIONS

Discretionary

MODIFIED

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1027.2 RESTRICTED DUTIES AND ASSIGNMENTS

Discretionary

MODIFIED

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

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- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1027.2.1 EMPLOYEE RESPONSIBILITY

Discretionary

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is

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immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1027.2.2 SUPERVISOR'S RESPONSIBILITY

Discretionary

MODIFIED

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

Department Badges

1028.1 PURPOSE AND SCOPE

Best Practice

The Tulare County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Tulare County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1028.2 POLICY

Best Practice

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1028.2.1 FLAT BADGE

Best Practice

MODIFIED

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Tulare County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1028.2.2 NON-SWORN PERSONNEL

Best Practice

MODIFIED

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

Department Badges

1028.2.3 RETIREE UNIFORM BADGE

Best Practice

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1028.3 UNAUTHORIZED USE

Best Practice MODIFIED

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1028.4 PERMITTED USE BY EMPLOYEE GROUPS

Best Practice

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Tulare County Sheriff's Office. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Temporary Modified-Duty Assignments

1029.1 PURPOSE AND SCOPE

Best Practice

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1029.2 POLICY

Best Practice

Subject to operational considerations, the Tulare County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1029.3 GENERAL CONSIDERATIONS

Best Practice

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Tulare County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

Temporary Modified-Duty Assignments

1029.4 PROCEDURE

Discretionary **MODIFIED**

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to the Sheriff's Leave Coordinator or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Station Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

1029.4.1 MODIFIED-DUTY SCHEDULES

Agency Content

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Station Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1029.4.2 ACCOUNTABILITY

Agency Content

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

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Temporary Modified-Duty Assignments

- (c) Supervisors shall keep the Station Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Station Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Station Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1029.4.3 MEDICAL EXAMINATIONS

Agency Content

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1029.5 ACCOUNTABILITY

Best Practice

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1029.5.1 EMPLOYEE RESPONSIBILITIES

Best Practice

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

Temporary Modified-Duty Assignments

1029.5.2 SUPERVISOR RESPONSIBILITIES

Best Practice **MODIFIED**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Station Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Station Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1029.6 MEDICAL EXAMINATIONS

Best Practice

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1029.7 PREGNANCY

Federal

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1029.7.1 NOTIFICATION

Best Practice

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1029.8 PROBATIONARY EMPLOYEES

Best Practice

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

Temporary Modified-Duty Assignments

1029.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Best Practice

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Medal of Valor

1030.1 PURPOSE AND SCOPE

Agency Content

Establish the guidelines and procedure for an employee to receive the Medal of Valor.

1030.1.1 DESCRIPTION

Agency Content

The Medal of Valor is the highest honor the Sheriff can award to sworn staff for a selfless and courageous act taken at risk of their own lives with full awareness of the danger involved.

1030.1.2 NOMINATION

Agency Content

Sworn staff can be nominated for consideration by any supervisor within the Sheriff's Department. The information for the nomination can be provided internally or externally from the public, department personnel, or management.

1030.1.3 VALIDATION

Agency Content

Once a nomination is received it needs to be investigated for accuracy by an unbiased investigator. The investigation is to be conducted by the Internal Affairs Unit of the Sheriff's Department. The investigation should include interviews of all witnesses, letters of support, and all documents/reports related to the incident.

1030.1.4 REVIEW PROCESS

Agency Content

The executive management team of the Sheriff's Department shall serve as the committee regarding nominations for the Medal of Valor.

- (a) The situation was extremely dangerous.
- (b) The situation demanded immediate action.
- (c) The situation was extremely hazardous, a strong possibility existed at the time the person acted that he or she could have suffered serious injury or death.
- (d) The possibility of injury or death to citizens was present.
- (e) The act was not foolhardy.
- (f) The person did not use poor judgement, thus creating the necessity for their acts.

1030.1.5 RECOMMENDATION

Agency Content

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Medal of Valor

The Medal of Valor committee will make the recommendation to the Sheriff on whether to award the Medal of Valor or not.

Employee Speech, Expression and Social Networking

1031.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal Constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1031.1.1 APPLICABILITY

Best Practice

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1031.2 POLICY

Federal MODIFIED

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Tulare County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1031.3 SAFETY

Best Practice

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Tulare County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably

Tulare County Sheriff's Office

LE Policy

Employee Speech, Expression and Social Networking

be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1031.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

Best Practice

To meet the office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Tulare County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Tulare County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Tulare County Sheriff's Office or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Tulare County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office

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Employee Speech, Expression and Social Networking

for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Tulare County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1031.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Federal

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Tulare County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Tulare County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Tulare County Sheriff's Office.

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Employee Speech, Expression and Social Networking

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1031.5 PRIVACY EXPECTATION

State

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

The Office shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1031.6 CONSIDERATIONS

Best Practice

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1031.7 TRAINING

Best Practice

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Employee Speech, Expression and Social Networking

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

Illness and Injury Prevention

1034.1 PURPOSE AND SCOPE

State

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Tulare County Sheriff's Office, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

1034.2 POLICY

Best Practice

MODIFIED

The Tulare County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Office to comply with all laws and regulations related to occupational safety.

1034.3 ILLNESS AND INJURY PREVENTION PLAN

State

The Administrative Services Division Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.

Illness and Injury Prevention

8. Assess the effectiveness of efforts made by the Office to meet relevant standards.
- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

1034.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

State

The responsibilities of the Administrative Services Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 1. New member orientation that includes a discussion of safety and health policies and procedures.
 2. Regular member review of the illness and injury prevention plan.
 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing members of the illness and injury prevention guidelines.
 2. Recognizing members who perform safe work practices.
 3. Ensuring that the member evaluation process includes member safety performance.
 4. Ensuring office compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144)
 - (b) Bloodborne pathogens (8 CCR 5193)
 - (c) Aerosol transmissible diseases (8 CCR 5199)
 - (d) Heat illness (8 CCR 3395)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)

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Illness and Injury Prevention

- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1034.5 SUPERVISOR RESPONSIBILITIES

Best Practice

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.
- (e) Notifying the Administrative Services Division Commander when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1034.6 HAZARDS

Best Practice

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Illness and Injury Prevention

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

The Administrative Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1034.7 INSPECTIONS

Best Practice

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1034.7.1 EQUIPMENT

Best Practice

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1034.8 INVESTIGATIONS

Best Practice

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.

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Illness and Injury Prevention

- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1034.9 RECORDS

Best Practice

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

1034.10 COUNTY OF TULARE INJURY AND ILLNESS PROGRAM

Agency Content

[See attachment: Tulare County IIPP.pdf](#)

[See attachment: Appendix A1.pdf](#)

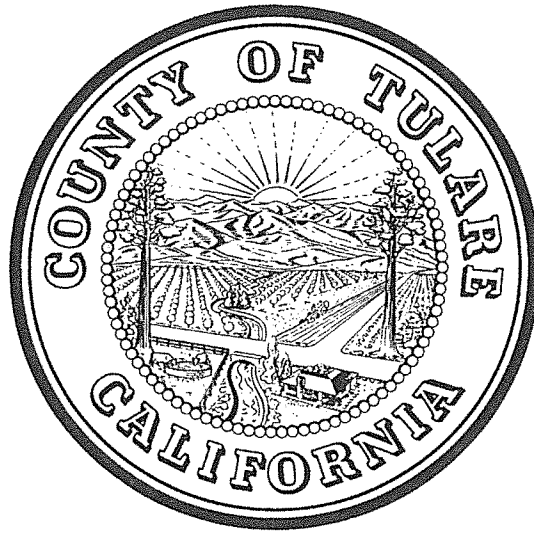
[See attachment: Appendix A2.pdf](#)

[See attachment: Appendix A3.pdf](#)

[See attachment: Wildfire Smoke Plan.pdf](#)

Attachments

Tulare County IIPP.pdf



COUNTY OF TULARE

INJURY AND ILLNESS PREVENTION

PROGRAM

COUNTY OF TULARE
INJURY AND ILLNESS PREVENTION PROGRAM

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DEPARTMENTAL ORGANIZATION AND RESPONSIBILITIES

The individual with the authority and responsibility for implementing the Injury and Illness Prevention Program (IIPP) is _____, who has assumed the Departmental Safety Representative for the _____. The Alternate Safety Representative is _____. The Safety Representative shall fulfill all duties and responsibilities assigned to that post as specified in the IIPP for Tulare County.

INTRODUCTION

- 1) The County is concerned with the safety and well being of its employees and the citizen-users of public services who visit County offices, recreational areas and other County facilities.
- 2) The focus of the Injury and Illness Prevention Program is to instill employee "awareness" of his/her physical environment through an educational process as well as to strive to eliminate safety hazards, which the employee may encounter on the job.
- 3) An effective safety and loss control program produces two results. First, an effective program minimizes accident frequency and the human suffering which results. Second, it curtails the expenditure of public funds for liability that results from injury to an employee or citizen-user.

To emphasize the importance of this program we ask all employees to remember that the costs of one lost workday injury include:

- Human suffering, no job is so important that it must be accomplished at the expense of personal injury and suffering;
- Lost income to their family, although workers' compensation benefits may be payable, the amounts may be much lower than the employees wages;
- Productive time lost by an injured employee;
- Time to hire or to retrain other individuals to replace the injured worker until his or her return;
- Reduced morale among co-workers, and perhaps lower efficiency
- Since the County is self insured, workers' compensation premiums are charged directly against departmental budgets.

POLICY ON EMPLOYEE SAFETY

It is the Policy of the Board of Supervisors of the County of Tulare to establish guidelines and procedures for the maintenance of an on-going Injury and Illness Prevention Program, in compliance with the California code of Regulations. This is accomplished through safety and health inspections, employee training, accident investigation and Department Safety Representatives. Response to safety concerns will be given the highest priority at every level of the County.

I. **PROGRAM IMPLEMENTATION** – GISO §3203 (a)(1)

The authority and responsibility for implementing the Injury and Illness Prevention Program rests with:

- A. The County Safety Officer
- B. Department Heads
- C. Department Safety Representatives
- D. Supervisors
- E. Employees

A. **COUNTY SAFETY OFFICER RESPONSIBILITIES**

- 1) Direction of the overall County Safety Program
- 2) Act as a safety advisor for the County by advising all Department Heads, Department Safety Representatives of changes in regulations, policies or their responsibilities.
- 3) Prepare County safety memorandums and distribute to affected Department Safety Representatives for their information, implementation, and/or to be posted on Safety Bulletin Boards.
- 4) Prepare periodic reports and studies on the effectiveness of the County Injury and Illness Prevention Program.
- 5) Develop safety and accident prevention programs with the assistance of the Department Safety Representative to meet the specific needs for each department as required by California Code of Regulations (CCR), Title 8 and ensure department compliance with said OSHA requirements.
- 6) Assists Departments in identifying safety and accident prevention training needs and ensure those safety training needs are met.
- 7) Coordinate safety and accident prevention program training and ensure all County employees receive said training.
- 8) Assist Departments in the implementation of and compliance with the California Occupational Health and Safety Act.
- 9) Coordinate County safety matters with necessary enforcement agencies, civic groups, and private organizations, as may be necessary.
- 10) Develop and distribute accident/injury statistics for County operations and specific data to each Department.

- 11) Work closely with Department Safety Representatives to assure consistency within the County.
- 12) Meet regularly with Department Safety Representatives regarding safety issues.
- 13) Conduct workplace safety inspections on a regular basis to ensure compliance with the provisions of the County Safety Program.
- 14) Respond to employee complaints regarding workplace safety while maintaining total confidentiality regarding the source of any complaints whenever so requested to ensure that employees have an avenue for lodging complaints "without fear of reprisal".

B. DEPARTMENT RESPONSIBILITIES

Each department is responsible for implementing an effective safety program, with all levels of management contributing to ensure that employees are aware of the safe operation/condition of their job assignment and work area. All managers are responsible for maintaining a minimal-risk work environment in the areas under their control. The degree of effort and focus needed will vary depending on the nature of the work performed. While they may assign responsibility and delegate authority to others, they are accountable to higher management for those preventable oversights and errors within their areas that result in injury, illness, or property damage affecting employees, the general public or County/private property.

Each Department Head shall be responsible for implementation of this Policy by:

- 1) The appointment of a permanent Department Safety Representative and an alternate for that department.
- 2) Assure the DSR/Alternant actively participates in quarterly County Department Safety Representative meetings and disseminate safety material.
- 3) A system for identifying and evaluating workplace hazards, including investigating the cause of accidents, illness and exposures.
- 4) Methods and procedures for correcting workplace hazards once identified.
- 5) An occupational training program covering hazards basic to all types of employment and those unique to each worker's job assignment.

- 6) A communication system that enables employees to freely discuss safety and health problems through supervisors, Department Safety Reps, and safety meetings.
- 7) A system to ensure employee compliance with safe and healthful work practices.
- 8) Maintenance of a record-keeping system documenting implementation, operation and a periodic review of the plan.
- 9) Reporting results of inspection and corrective action to the County Safety Officer.
- 10) Reporting hazardous substances and equipment to the County Safety Officer.

C. DEPARTMENT SAFETY REPRESENTATIVE RESPONSIBILITIES

Under the direction of the Department Head and County Safety Officer to:

- 1) Manage, administer and coordinate the Department Safety Program, and attend scheduled safety meetings.
- 2) Recommend Department safety policies, procedures, rules, and standards to ensure safe working conditions and safe work practices.
- 3) Serve as a source of information on safety policies and procedures and industrial injury/illness record keeping and reporting.
- 4) Review accident reports to determine types of injuries/illnesses and their causes and maintain department copy of accident report and submit copy to the County Safety Officer.
- 5) Act as safety program advisor to the Department Head. Prepare periodic and special reports regarding Department injuries and illnesses; identify trends or changes that call for attention and recommending corrective action where appropriate.
- 6) Recommend means to eliminate or control hazardous physical conditions as well as dangerous work operations, recommending remedial action.
- 7) Recommend safety training efforts within the Department and assist in the development, coordination, documentation and training as necessary.
- 8) Forward Cal/OSHA citations received by the Department to the County Safety Officer and interface with the County Safety Officer to verify corrective action.

- 9) Act as Department liaison with the County Safety Officer disseminating information relating to safety and health matters; collecting, reviewing, and transmitting information from their Department to the County Safety Officer.
- 10) Assist Department management and supervisors in the promotion of safety awareness and education programs.
- 11) For those departments that have more than one location it may be necessary to appoint assistant Department Safety Representatives. In this event the assistant safety representative shall assume the D.S.R. responsibilities for their location as well as conferring with the D.S.R. and County Safety Officer as necessary.
- 12) Post OSHA 300A log summary sheet on Safety Bulletin Board from February 1 to April 30 annually. Following the posting period, remove log and file in the IIPP Manual for that location.
- 13) Conducts work site safety inspections and make recommendations for correction of hazards when found.
- 14) Maintain a Safety and Health Bulletin Board with current information, such as bulletins, posters, minutes of safety meetings and any other pertinent information regarding Safety and Health. This information shall be disseminated to satellite locations.
- 15) Shall set an example for other employees to follow.

D. SUPERVISOR RESPONSIBILITIES

Under the direction of their department and in coordination with the Department Safety Representative:

- 1) Shall train employees in job safety and health practices in accordance with Cal/OSHA standards and maintain related training documentation.
- 2) Shall investigate promptly and thoroughly every accident to determine cause and to prevent recurrence.
- 3) Shall document all injuries/illnesses and send reports to Department Safety Representative.
- 4) Shall require all employees to comply with the Occupational Safety and Health Standards and all other rules or regulations.

- 5) Shall conduct workplace safety inspections in accordance with County and Cal/OSHA rules, regulations and standards, and implement corrective action as necessary.
- 6) Shall set an example for other employees to follow and shall encourage the proper attitudes toward safe job performance in their subordinates.

E. EMPLOYEE RESPONSIBILITIES

County employees are responsible for ensuring their own safety and the safety of others on the work site by:

- 1) Learning and following the standards and procedures that apply to each job assignment.
- 2) Discontinuing any specific activity that the employee believes or knows has an undue risk or injury, illness or damage to property, and promptly seeking guidance from his/her supervisor regarding the operation.
- 3) Wearing or using the prescribed protective equipment needed for a particular job.
- 4) Bringing to the supervisor's attention any activity, behavior or unsafe condition that could cause injury or illness to others or damage property.
- 5) Promptly reporting any occupational injury, illness, or property damage to their supervisor.
- 6) Report any emergencies, to assist when safe and appropriate to do so, until emergency response personnel arrive.
- 7) Set an example for other employees to follow.

II. EMPLOYEE COMPLIANCE – GISO §3203 (A)(2)

A. Employees have been notified of their responsibilities regarding safe work practices by the following methods:

- Training
- Written guidelines for safety
- Bulletin boards

B. Employees understand they are accountable to exercise safe work practices. These practices will be enforced by:

- Recognition/incentive for compliance; employees may be recognized on their P.A.F. for safe work practices.
- Corrective action for non-compliance which may include of comments on unsatisfactory safety practices being placed on an employees P.A.F. and/or appropriate disciplinary action.

III. HEALTH AND SAFETY COMMUNICATION – GISO §3203 (a)(3)

The following methods will be used to effectively communicate with County employees regarding health and safety issues.

A. COMMUNICATION BY TRAINING

Regular employee safety training in accordance with section VII of this document shall be considered one way in which the employer communicates with the employees.

B. OTHER FORMS OF COMMUNICATION

- PERIODIC EMPLOYEE SAFETY MEETINGS
- SAFETY BULLETIN BOARDS

1. Policy

All County departments shall ensure that required occupational safety and health material is posted on bulletin boards in every major division or separate location for easy access by all employees.

2. Requirements

a) Permanently Posted Items

The following items shall be posted permanently on all County safety and health bulletin boards. These materials may be obtained from the County Safety Officer. Other materials may be added to meet Federal, State, or County requirements.

(1) Safety and Health Protection on the Job

This Cal/OSHA poster defines employee rights under the California Occupational Safety and Health Act of 1973.

(2) Workers' Compensation Information Notice

This poster indicates workers' compensation benefits for work injuries, and emergency telephone numbers.

(3) Emergency

This poster indicates emergency telephone numbers for ambulance, fire, hospital, physician, police and Cal/OSHA.

(4) Access to Medical and Exposure Records

This poster outlines employee rights to see and copy medical and exposure records and Material Safety Data Sheets.

b) Annual Statistical Report

Annually, during the period February 1, through April 30, OSHA Form No. 300A, "Log of Work-Related Injuries and Illnesses" shall be posted on all County safety and health bulletin boards as required.

c) Temporarily Posted Items

Periodically the County Safety Officer shall furnish departments with safety and health items of current interest for posting. Topical safety and health materials originating from other sources may also be posted. Removal of temporary items after thirty days is recommended.

3. Responsibilities

a) County Safety Officer

(1) Permanent Materials

The County Safety Officer shall be the source for all "permanent" bulletin board materials on safety and health.

(2) Topical Materials

The County Safety Officer shall regularly furnish departments with topical safety and health materials for temporary posting.

b) Department Safety Representative

The Department Safety Representative shall be responsible for maintaining department safety and health bulletin boards.

(1) Permanent Materials

Department Safety Representatives shall ensure that all safety and health bulletin board materials designated as “permanent” are maintained in good condition on the bulletin boards.

(2) Topical Materials

Department Safety Representatives shall post all current and topical safety and health bulletin board materials received from the County Safety Officer or other sources at the earliest practicable time after receipt.

(3) Unauthorized Materials

Safety and health bulletin boards shall be monitored by Department Safety Representatives to ensure that all unauthorized items are removed.

C. EMPLOYEE COMMENTS WITHOUT FEAR OF REPRISAL

The County Safety Officer shall maintain an open door/open phone policy. Employees may contact the County Safety Officer personally and anonymously if they so desire either in person, by telephone, or in writing regarding any safety concerns. The County Safety Officer will respond to all inquiries in a timely manner.

IV. HAZARD IDENTIFICATION AND EVALUATION – GISO §3203 (a)(4)

A. All on-the-job accidents will be investigated and the County approved supervisor’s report of injury will be completed.

B. Periodic safety inspections will be performed.

C. There will be an evaluation of Safety Suggestions and hazards reported by employees.

V. **OCCUPATIONAL INJURY/ILLNESS INVESTIGATION** – GISO §3203 (a)(5)

- A. Investigations shall be conducted as soon as possible after an accident, occupational injury or illness, or hazardous unusual occurrence is reported.
- B. The investigation shall be documented in writing.
- C. Any serious injury will be reviewed by the County Safety Officer. For this provision serious injury shall be defined as; loss of life, limb, eyesight, finger or tow, brain trauma, spinal fracture, or any other injury the Risk Manager or the County Safety Officer deem to be serious under this provision.

VI. **HAZARD CORRECTION** – GISO §3203 (a)(6)

Certain methods and procedures will be used to correct unsafe or unhealthy conditions, work practices and work procedures. The following categories will be utilized:

- A. Imminent Hazard – All personnel not needed for corrective action will be moved from the area and appropriate action will be taken.
- B. Less severe hazards – The problem will be dealt with in a timely manner.

Activities such as ongoing training of employees on safe work practices and work hazards will be practiced to reduce unsafe or hazardous conditions.

VII. **HEALTH AND SAFETY TRAINING** – GISO §3203 (a)(7)

Employee Health and Safety Training will be provided under the following guidelines:

- A. New employees shall be provided initial safety training upon hiring and prior to assignment.
- B. Employees will be provided safety training when assigned a new task or job for which training has not been received; when new substances, procedures or equipment are introduced into the workplace and represent a new hazard; and when the department learns of a new, previously unrecognized hazard.
- C. Supervisors will be trained on hazards and safe practices in their area of responsibility.

D. Training will include general safety and specific job safety category training.

E. Safety training will be documented and maintained in writing.

F. All Departments shall retain safety and health training records as follows:

1. Hazardous substance training records shall be maintained for the period of employment plus thirty (30) years.
2. All other safety and health training records shall be maintained for five (5) years.

Appendix A1.pdf



**County of Tulare
Illness and Injury Prevention Program
Department Safety Management Designees**

In accordance with Title 8, California Code of Regulations, Section 3203, the following information identifies the person(s) responsible for the Injury and Illness Prevention Program (IIPP) at this site.

Department: _____

Division: _____

Address: _____

Name and phone number of Department Safety Representative(s) and/or the person(s) responsible for IIPP management at this location:

Department Head: _____

Department Safety Rep: _____

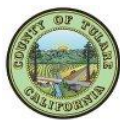
Alternate Safety Rep: _____

IIPP Location(s): _____

- **Employees are encouraged to report any suspected safety hazard to their Department Safety Representative, Supervisor or Department Manager without fear of reprisal.**
- **Suspected safety hazards may also be reported to the County Safety Analyst(s) at 559-623-0280. An anonymous report may be made by completing the “Employee Report of Safety Hazard” form located at <http://tcriskmanagement/risk/index.cfm/safety-and-training/forms/>.**

****Each work site shall post a completed copy of this document in a manner to be accessible to department employees**

Appendix A2.pdf



Employee Report of Safety Hazard

Please complete and print form. Submit form to supervisor or your Department Safety Rep. *Submissions may be kept confidential by sending the form directly to Risk Management via interoffice mail.* All reports will be reviewed and necessary corrective action will be taken in a timely manner. If you would like to be contacted regarding the outcome, please include your name and phone number.

Date Submitted: _____

Department: _____

Address: _____

Hazard Is: (describe hazard in detail including exact location)

I Suggest the Following Corrective Action:

Signed: _____
(optional)

Phone Number: _____
(optional)

(For Supervisor/Risk Management Only)

Analysis of Hazard and/or Corrective Action Taken:

Signed: _____

Date: _____

Supervisors - send completed report with corrective action to Risk Management. A copy of the completed form should be kept in the IIPP Binder.

Appendix A3.pdf



Supervisor's Report of Safety Investigation

Date of Incident:	
Time of Incident:	
Location of Incident:	

Employee(s) Involved:

Detailed Incident/Exposure Description:

Cause of Incident/Exposure (Who, What, When, Where, Why and How):

Options for Elimination or Control of the Root Cause(s):

Corrective Action Taken/Date/Name of Person(s) Making Corrections:

Investigated By: _____ Title: _____

Date: _____

Employee(s): _____

Wildfire Smoke Plan.pdf

Tulare County Wildfire Smoke Work Plan

Note: This template is designed for use by Tulare County Departments or work units that are not required to have a written Respiratory Protection safety plan

As a best practice, County Departments are encouraged to implement a work plan to ensure compliance with the mandatory safety requirements established by the California Department of Industrial Relations. Departments should closely monitor this agency for updates in protocols, practices, training mandates, etc.

- ***Throughout the document, and in the footer, are prompts where the person customizing this document needs to insert specific information,***
- ***Carefully read then complete all other text fields where specific information is required, such as a responsible person's name or title, or particular equipment or supplies may be supplied.***
- ***After completing this document,***
 - ♦ ***Complete all actions to ensure compliance***
 - ♦ ***Place a copy of this plan in the department IIPP along with the training sign in sheet***

Tulare County
[Tulare County Sheriff's Office]
TULARE COUNTY WILDFIRE SMOKE WORK PLAN
Approved [09/01/2020]

A. Purpose

Tulare County, through its management, is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. This Wildfire Smoke Work Plan is an addendum to the County of Tulare's Injury Illness Prevention Program (IIPP). Through its implementation, the safety of the County's employees is enhanced through effective communication identifying and addressing hazards associated with Wildfire Smoke during work shifts. The plan is based on California Code of Regulations (CCR), title 8, [section 5141.1](#) (Appendix A). County Departments may also amend this Plan based on operational needs.

B. Responsibilities

To ensure compliance with the most recent safety and health requirements the Department Safety Officer, is responsible for administering this Wildfire Smoke work plan, monitoring agencies for new requirements, updating this plan, communicating any changes to management, and monitoring the overall effectiveness of the plan. This Safety Officer is also responsible for ensuring that monitoring of the Air Quality Index (AQI) is done before each shift and periodically throughout the work day when there is a reasonable expectation of exposure to wildfire smoke. Supervisors are responsible for providing their employees with a copy of this plan upon request.

C. Determination of Exposure Risk by Job Duty

The Wildfire Smoke risk level of all County job classifications and functions has been assessed to ensure that appropriate hazard controls, including training, engineering controls, and personal protective equipment (PPE), are applied to protect employees' safety and health. The assessment is based on recommendation in CCR title 8, [section 5141.1](#). Each County position was evaluated based on work location and job duties, and the AQI for PM2.5 is 151 or greater, regardless of the AQI for other pollutants.

The following workplace operations are exempt from Hazard Control Measures:

- Enclosed buildings or structures in which the air is filtered by a mechanical ventilation system and the employer ensures that windows, doors, bays, and other openings are kept closed to minimize contamination by outdoor or unfiltered air.
- Enclosed vehicles in which the air is filtered by a cabin air filter and the employer ensures that windows, doors, and other openings are kept closed to minimize contamination by outdoor or unfiltered air.
- The employer demonstrates that the concentration of PM2.5 in the air does not exceed a concentration that corresponds to a current AQI of 151 or greater by measuring PM2.5 levels at the worksite
- Employees exposed to a current AQI for PM2.5 of 151 or greater for a total of one hour or less during a shift.

- Firefighters engaged in wildland firefighting.

D. Hazard Control Measures

The department will provide engineering controls to limit worker exposure when possible. When engineering controls are not feasible, the following administrative controls will be implemented; adjusting work schedules/reducing work intensity/providing additional rest periods. If engineering controls and administrative controls are not able to be implemented, PPE will be assigned per the requirements listed in § 5141.1 and 5144.

E. Personal Protective Equipment

In instances where employees are exposed to Wildfire Smoke NIOSH-approved filtering face piece respirators (N95 or greater) will be supplied for voluntary use. Should an employee desire to voluntarily use an N-95 mask, we will provide them with a copy of Cal OSHA Title 8 CCR5144 Appendix D.

In instances where employees are exposed to an AQI for PM2.5 greater than 500, respirators will be required, and will follow the requirements of §5144.

F. Training

When it can be reasonably anticipated that employees covered under the Cal/OSHA Wildfire Smoke Protection Standard may be exposed to a PM2.5 Air Quality Index (AQI) of 151 or greater for more than one hour during their shift, supervisors must ensure that affected employees receive documented smoke protection training. (Appendix B)

Appendix A:

This information is provided free of charge by the Department of Industrial Relations from its web site at www.dir.ca.gov. These regulations are for the convenience of the user and no representation or warranty is made that the information is current or accurate. See full disclaimer at https://www.dir.ca.gov/od_pub/disclaimer.html.

Subchapter 7. General Industry Safety Orders
Group 16. Control of Hazardous Substances
Article 107. Dusts, Fumes, Mists, Vapors and Gases

[Return to index](#)

[New query](#)

§5141.1 Protection from Wildfire Smoke.

[Worker Safety and Health in Wildfire Regions](#)

(a) Scope.

(1) This section applies to workplaces where:

(A) The current Air Quality Index (current AQI) for PM2.5 is 151 or greater, regardless of the AQI for other pollutants; and

(B) The employer should reasonably anticipate that employees may be exposed to wildfire smoke.

(2) The following workplaces and operations are exempt from this section:

(A) Enclosed buildings or structures in which the air is filtered by a mechanical ventilation system and the employer ensures that windows, doors, bays, and other openings are kept closed to minimize contamination by outdoor or unfiltered air.

(B) Enclosed vehicles in which the air is filtered by a cabin air filter and the employer ensures that windows, doors, and other openings are kept closed to minimize contamination by outdoor or unfiltered air.

(C) The employer demonstrates that the concentration of PM2.5 in the air does not exceed a concentration that corresponds to a current AQI of 151 or greater by measuring PM2.5 levels at the worksite in accordance with Appendix A.

(D) Employees exposed to a current AQI for PM2.5 of 151 or greater for a total of one hour or less during a shift.

(E) Firefighters engaged in wildland firefighting.

(3) For workplaces covered by this section, an employer that complies with this section will be considered compliant with sections 5141 and 5155 for the limited purpose of exposures to a current AQI for PM2.5 of 151 or greater from wildfire smoke.

(b) Definitions.

Current Air Quality Index (Current AQI). The method used by the U.S. Environmental Protection Agency (U.S. EPA) to report air quality on a real-time basis. Current AQI is also referred to as the “NowCast,” and represents data collected over time periods of varying length in order to reflect present conditions as accurately as possible.

The current AQI is divided into six categories as shown in the table below, adapted from Table 2 of Title 40 Code of Federal Regulations, Part 58, Appendix G.

<i>Air Quality Index (AQI)</i>	
<i>Categories for PM_{2.5}</i>	<i>Levels of Health Concern</i>
0 to 50	Good
51 to 100	Moderate
101 to 150	Unhealthy for Sensitive Groups
151 to 200	Unhealthy
201 to 300	Very Unhealthy
301 to 500	Hazardous

NIOSH. The National Institute for Occupational Safety and Health of the U.S. Centers for Disease Control and Prevention. NIOSH tests and approves respirators for use in the workplace. PM_{2.5}. Solid particles and liquid droplets suspended in air, known as particulate matter, with an aerodynamic diameter of 2.5 micrometers or smaller.

Wildfire Smoke. Emissions from fires in “wildlands,” as defined in Title 8, section 3402, or in adjacent developed areas.

(c) Identification of harmful exposures. The employer shall determine employee exposure to PM_{2.5} for worksites covered by this section before each shift and periodically thereafter, as needed to protect the health of the employee, by any of the following methods:

(1) Check AQI forecasts and the current AQI for PM_{2.5} from any of the following: U.S. EPA AirNow website, U.S. Forest Service Wildland Air Quality Response Program website, California Air Resources Board website, local air pollution control district website, or local air quality management district website; or

(2) Obtain AQI forecasts and the current AQI for PM_{2.5} directly from the EPA, California Air Resources Board, local air pollution control district, or local air quality management district by telephone, email, text, or other effective method; or

(3) Measure PM_{2.5} levels at the worksite and convert the PM_{2.5} levels to the corresponding AQI in accordance with Appendix A.

EXCEPTION: Subsection (c) does not apply where an employer assumes the current AQI for PM_{2.5} is greater than 500 and uses that assumption to comply with subsection (f)(4)(B).

(d) Communication. As required by section 3203, the employer shall establish and implement a system for communicating wildfire smoke hazards in a form readily understandable by all affected employees, including provisions designed to encourage employees to inform the employer of wildfire smoke hazards at the worksite without fear of reprisal.

The system shall include effective procedures for:

(1) Informing employees of:

(A) The current AQI for PM2.5 as identified in subsection (c); and

(B) Protective measures available to employees to reduce their wildfire smoke exposures.

(2) Encouraging employees to inform the employer of:

(A) Worsening air quality; and

(B) Any adverse symptoms that may be the result of wildfire smoke exposure such as asthma attacks, difficulty breathing, and chest pain.

(e) Training and instruction. As required by section 3203, the employer shall provide employees with effective training and instruction. At a minimum, this shall contain the information in Appendix B.

(f) Control of harmful exposures to employees.

(1) In emergencies, including rescue and evacuation, subsections (f)(2) and (f)(3) do not apply, and employers shall comply with subsection (f)(4). Emergencies include utilities, communications, and medical operations, when such operations are directly aiding firefighting or emergency response.

(2) Engineering Controls. The employer shall reduce employee exposure to PM2.5 to less than a current AQI of 151 by engineering controls whenever feasible, for instance by providing enclosed buildings, structures, or vehicles where the air is filtered. If engineering controls are not sufficient to reduce exposure to PM2.5 to less than a current AQI of 151, then the employer shall reduce employee exposures as much as feasible.

(3) Administrative Controls. Whenever engineering controls are not feasible or do not reduce employee exposures to PM2.5 to less than a current AQI of 151, the employer shall implement administrative controls, if practicable, such as relocating work to a location where the current AQI for PM2.5 is lower, changing work schedules, reducing work intensity, or providing additional rest periods.

(4) Control by Respiratory Protective Equipment.

(A) Where the current AQI for PM2.5 is equal to or greater than 151, but does not exceed 500, the employer shall provide respirators to all employees for voluntary use in accordance with section 5144 and encourage employees to use respirators. Respirators shall be NIOSH-approved devices that effectively protect the wearers from inhalation of PM2.5, such as N95 filtering facepiece respirators. Respirators shall be cleaned, stored, maintained, and replaced so that they do not present a health hazard to users. Employers shall use Appendix B to this section in lieu of Appendix D to section 5144 for training regarding voluntary use of respirators.

NOTE: For voluntary use of filtering facepieces, such as N95 respirators, some of the requirements of section 5144 do not apply, such as fit testing and medical evaluations.

(B) Where the current AQI for PM2.5 exceeds 500, respirator use is required in accordance with section 5144. The employer shall provide respirators with an assigned protection factor, as listed in section 5144, such that the PM2.5 levels inside the respirator correspond to an AQI less than 151.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New section filed 7-29-2019 as an emergency; operative 7-29-2019 (Register 2019, No. 31). A Certificate of Compliance must be transmitted to OAL by 1-27-2020 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 1-16-2020 as an emergency; operative 1-24-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 3). A Certificate of Compliance must be transmitted to OAL by 4-23-2020 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 4-30-2020 as an emergency; operative 6-23-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-21-2020 or emergency language will be repealed by operation of law on the following day.

Appendix A - Protection from Wildfire Smoke Measuring PM_{2.5} Levels at the Worksite **(Mandatory if an Employer Monitors with a Direct Reading Instrument)**

- (a) An employer may use a direct-reading particulate monitor to determine PM_{2.5} levels for section 5141.1, if the employer can demonstrate that it has complied with this appendix and selected a monitor that:
- (1) Does not underestimate employee exposures to wildfire smoke; or
 - (2) May underestimate wildfire smoke exposures, but the employer has obtained information on the possible error of the monitor from the manufacturer or other published literature and has accounted for the error of the monitor when determining exposures to PM_{2.5} to ensure that employee exposure levels are not underestimated.
- (b) The monitor shall be designed and manufactured to measure the concentration of airborne particle sizes ranging from an aerodynamic diameter of 0.1 micrometers up to and including 2.5 micrometers. The employer may use a monitor that measures a particle size range beyond these limits, if the employer treats the results as the PM_{2.5} levels.
- (c) The employer shall ensure that the monitor it uses is calibrated, maintained, and used, including the use of necessary accessories, in accordance with the manufacturer's instructions for accurately measuring PM_{2.5} concentrations.
- (d) The employer shall use the following table to convert the PM_{2.5} concentration to the AQI for PM_{2.5}.

<i>PM_{2.5} in Micrograms per Cubic Meter (µg/m³)</i>	<i>Air Quality Index (AQI) Categories for PM_{2.5}</i>
0 to 12.0	0 to 50
12.1 to 35.4	51 to 100
35.5 to 55.4	101 to 150

55.5 to 150.4	151 to 200
150.5 to 250.4	201 to 300
250.5 to 500.4	301 to 500

(e) The person supervising, directing, or evaluating workplace monitoring for PM2.5 shall have the training or experience necessary to apply this section and to ensure the correct use of the monitor and the interpretation of the results, so that exposures are not underestimated.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New Appendix A filed 7-29-2019 as an emergency; operative 7-29-2019 (Register 2019, No. 31). A Certificate of Compliance must be transmitted to OAL by 1-27-2020 or emergency language will be repealed by operation of law on the following day.

2. New Appendix A refiled 1-16-2020 as an emergency; operative 1-24-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 3). A Certificate of Compliance must be transmitted to OAL by 4-23-2020 or emergency language will be repealed by operation of law on the following day.

3. New Appendix A refiled 4-30-2020 as an emergency; operative 6-23-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-21-2020 or emergency language will be repealed by operation of law on the following day.

Appendix B - Protection from Wildfire Smoke Information to Be Provided to Employees (Mandatory)

(a) The health effects of wildfire smoke.

Although there are many hazardous chemicals in wildfire smoke, the main harmful pollutant for people who are not very close to the fire is “particulate matter,” the tiny particles suspended in the air.

Particulate matter can irritate the lungs and cause persistent coughing, phlegm, wheezing, or difficulty breathing. Particulate matter can also cause more serious problems, such as reduced lung function, bronchitis, worsening of asthma, heart failure, and early death.

People over 65 and people who already have heart and lung problems are the most likely to suffer from serious health effects.

The smallest -and usually the most harmful -particulate matter is called PM2.5 because it has a diameter of 2.5 micrometers or smaller.

(b) The right to obtain medical treatment without fear of reprisal.

Employers shall allow employees who show signs of injury or illness due to wildfire smoke exposure to seek medical treatment, and may not punish affected employees for seeking such treatment. Employers shall also have effective provisions made in advance for prompt medical treatment of employees in the event of serious injury or illness caused by wildfire smoke exposure.

(c) How employees can obtain the current Air Quality Index (AQI) for PM2.5.

Various government agencies monitor the air at locations throughout California and report the current AQI for those places. The AQI is a measurement of how polluted the air is. An AQI over 100 is unhealthy for sensitive people and an AQI over 150 is unhealthy for everyone.

Although there are AQIs for several pollutants, Title 8, section 5141.1 about wildfire smoke only uses the AQI for PM2.5.

The easiest way to find the current and forecasted AQI for PM2.5 is to go to www.AirNow.gov and enter the zip code of the location where you will be working. The current AQI is also available from the U.S. Forest Service at <https://tools.airfire.org/> or a local air district, which can be located at www.arb.ca.gov/capcoa/dismap.htm. Employees who do not have access to the internet can contact their employer for the current AQI. The EPA website www.enviroflash.info can transmit daily and forecasted AQIs by text or email for particular cities or zip codes.

(d) The requirements in Title 8, section 5141.1 about wildfire smoke.

If employees may be exposed to wildfire smoke, then the employer is required to find out the current AQI applicable to the worksite. If the current AQI for PM2.5 is 151 or more, the employer is required to:

- (1) Check the current AQI before and periodically during each shift.
- (2) Provide training to employees.
- (3) Lower employee exposures.
- (4) Provide respirators and encourage their use.

(e) The employer's two-way communication system.

Employers shall alert employees when the air quality is harmful and what protective measures are available to employees.

Employers shall encourage employees to inform their employers if they notice the air quality is getting worse, or if they are suffering from any symptoms due to the air quality, without fear of reprisal.

The employer's communication system is: County E-mail System

(f) The employer's methods to protect employees from wildfire smoke.

Employers shall take action to protect employees from PM2.5 when the current AQI for PM2.5 is 151 or greater. Examples of protective methods include:

- (2) Changing procedures such as moving workers to a place with a lower current AQI for PM2.5.
- (3) Reducing work time in areas with unfiltered air.
- (4) Increasing rest time and frequency, and providing a rest area with filtered air.
- (5) Reducing the physical intensity of the work to help lower the breathing and heart rates.

The employer's control system at this worksite is: _____

(g) The importance, limitations, and benefits of using a respirator when exposed to wildfire smoke.

Respirators can be an effective way to protect employee health by reducing exposure to wildfire smoke, when they are properly selected and worn. Respirator use can be beneficial even when the AQI for PM2.5 is less than 151, to provide additional protection.

When the current AQI for PM2.5 is 151 or greater, employers shall provide their workers with proper respirators for voluntary use. If the current AQI is greater than 500, respirator use is required.

A respirator should be used properly and kept clean.

The following precautions shall be taken:

(1) Employers shall select respirators certified for protection against the specific air contaminants at the workplace. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Center for Disease Control and Prevention certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will list what the respirator is designed for (particulates, for example).

Surgical masks or items worn over the nose and mouth such as scarves, T-shirts, and bandannas will not provide protection against wildfire smoke. An N95 filtering facepiece respirator, shown in the image below, is the minimum level of protection for wildfire smoke.

(2) Read and follow the manufacturer's instructions on the respirator's use, maintenance, cleaning and care, along with any warnings regarding the respirator's limitations. The manufacturer's instructions for medical evaluations, fit testing, and shaving should also be followed, although doing so is not required by Title 8, section 5141.1 for voluntary use of filtering facepiece respirators.

(3) Do not wear respirators in areas where the air contains contaminants for which the respirator is not designed. A respirator designed to filter particles will not protect employees against gases or vapors, and it will not supply oxygen.

(4) Employees should keep track of their respirator so that they do not mistakenly use someone else's respirator.

(5) Employees who have a heart or lung problem should ask their doctor before using a respirator.

(h) How to properly put on, use, and maintain the respirators provided by the employer.

To get the most protection from a respirator, there must be a tight seal around the face. A respirator will provide much less protection if facial hair interferes with the seal. Loose-fitting powered air purifying respirators may be worn by people with facial hair since they do not have seals that are affected by facial hair.

The proper way to put on a respirator depends on the type and model of the respirator. For those who use an N95 or other filtering facepiece respirator mask that is made of filter material:

(1) Place the mask over the nose and under the chin, with one strap placed below the ears and one strap above.

(2) Pinch the metal part (if there is one) of the respirator over the top of the nose so it fits securely.

For a respirator that relies on a tight seal to the face, check how well it seals to the face by following the manufacturer's instructions for user seal checks. Adjust the respirator if air leaks between the seal and the face. The more air leaks under the seal, the less protection the user receives.

Respirator filters should be replaced if they get damaged, deformed, dirty, or difficult to breathe through. Filtering facepiece respirators are disposable respirators that cannot be cleaned or disinfected. A best practice is to replace filtering facepiece respirators at the beginning of each shift.

If you have symptoms such as difficulty breathing, dizziness, or nausea, go to an area with cleaner air, take off the respirator, and get medical help.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

HISTORY

1. New Appendix B filed 7-29-2019 as an emergency; operative 7-29-2019 (Register 2019, No. 31). A Certificate of Compliance must be transmitted to OAL by 1-27-2020 or emergency language will be repealed by operation of law on the following day.
2. New Appendix B refiled 1-16-2020 as an emergency; operative 1-24-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 3). A Certificate of Compliance must be transmitted to OAL by 4-23-2020 or emergency language will be repealed by operation of law on the following day.
3. New Appendix B refiled 4-30-2020 as an emergency; operative 6-23-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-21-2020 or emergency language will be repealed by operation of law on the following day.

Appendix B

Tulare County Wildfire Smoke Work Plan Training

When it can be reasonably anticipated that employees covered under the Cal/OSHA Wildfire Smoke Protection Standard may be exposed to a PM2.5 Air Quality Index (AQI) of 151 or greater for more than one hour during their shift, supervisors must ensure that affected employees receive documented training covering the topics outlined below.

Requirements of Title 8, Section 5141.1, Protection of Wildfire Smoke

Employees who work outdoors or in a location that does not have mechanical air filtration and may be exposed to a PM2.5 AQI of 151 or greater for more than one hour during your shift, must be provided the following:

- The current AQI before and periodically during each shift;
- Documented training covering the information in this document;
- Work modifications to reduce your exposure; and
- Respirators with encouragement and instruction on how to use them.

Health Effects of Wildfire Smoke

Although there are many hazardous constituents of wildfire smoke, the primary harmful pollutant for people who are not close to the fire is fine particulate matter (tiny particles suspended in the air). Particulate matter can irritate the lungs and cause persistent coughing, phlegm, wheezing, or difficulty breathing. It can also cause more severe problems, such as reduced lung function, bronchitis, worsening of asthma, heart failure, and early death. People over 65 and people who already have heart and lung problems are the most likely to suffer from serious health effects. The smallest—and usually the most harmful—particulate matter is called PM2.5 because it has a diameter of 2.5 micrometers or smaller.

The right to obtain medical treatment without fear of reprisal.

Employers must allow employees who show signs of injury or illness due to wildfire smoke exposure to seek medical treatment and may not punish affected employees for seeking such treatment. Employers must also have effective provisions made in advance for prompt medical treatment of employees in the event of serious injury or illness caused by wildfire smoke exposure. If necessary, please follow Tulare County incident reporting procedures to obtain prompt medical treatment without fear of reprisal.

How you can obtain the current Air Quality Index (AQI) for PM2.5.

Various government agencies monitor the air at locations throughout California and report the current AQI for those places. The AQI is a measurement of how polluted the air is. An AQI over 100 is unhealthy for sensitive people, and an AQI over 150 is unhealthy for everyone. Although there are AQIs for several pollutants, Title 8, section 5141.1, only uses the AQI for PM2.5.

The easiest way to find the current and forecasted AQI for PM2.5 is to go to <https://www.airnow.gov/> and enter the zip code of the location where you will be working. The current AQI is also available from the U.S. Forest Service at <https://tools.airfire.org/> and the local air quality district, which can be located at <https://ww3.arb.ca.gov/capcoa/dismap.htm>. Employees who do not have access to the internet can

contact their supervisor for the current AQI. Additionally, the EPA website www.enviroflash.info can transmit daily and forecasted AQIs by text or email for particular cities or zip codes.

The local two-way communication system.

Supervisors must alert employees when the air quality is harmful and what protective measures are available to employees. Supervisors shall also encourage employees to inform them if they notice the air quality is getting worse, or if they are suffering from any symptoms due to the air quality, without fear of reprisal.

This information will be communicated to employees in the following manner (e.g. in-person, via text, email, website, radio, or other effective method):

Indicate Method Used:

Tulare County Email System

Methods for protecting employees from wildfire smoke.

Supervisors must take action to protect employees from PM2.5 when the current AQI for PM2.5 is 151 or greater. Local methods for reducing employee exposure are (check all that apply):

- ☐ Relocating work to enclosed structures or vehicles where the air is filtered.
- ☐ Moving workers to a place with a lower current AQI for PM2.5.
- ☐ Reducing work time in areas with unfiltered air.
- ☐ Increasing rest time and frequency, and providing a rest area with filtered air.
- ☐ Reducing the physical intensity of the work to help lower the breathing and heart rates.
- ☐ Supply NIOSH certified N95 filtering facepiece respirator for voluntary use.

Specific actions to reduce employee exposure are as follows:

The importance, limitations, and benefits of using a respirator when exposed to wildfire smoke.

Respirators can be an effective way to protect employee health by reducing exposure to wildfire smoke when they are properly selected and worn. Surgical masks or other items worn over the nose and mouth such as scarves, T-shirts, and bandanas do not provide protection against wildfire smoke. A NIOSH certified N95 filtering facepiece respirator (shown in the image below) is the minimum level of respiratory protection allowable for wildfire smoke. Filtering facepiece respirators such as N95s will not protect the user against gases, chemical vapors, oxygen deficient atmospheres or highly toxic materials. When the current AQI for PM2.5 is 151 or greater, supervisors shall provide their workers with proper respirators for voluntary use. If the current AQI is greater than 500, respirator use is required, and individuals must adhere to the Tulare County Respiratory Protection Program before using a respirator.

How to properly put on, use filtering facepiece respirators provided.

Filtering facepiece respirators such as N95s are disposable and cannot be cleaned or disinfected, and should be replaced at the beginning of each shift. If you have symptoms such as difficulty breathing, dizziness, or nausea, go to an area with cleaner air, remove your respirator, and notify your supervisor or get medical help as needed. When wearing a respirator, the following precautions must be taken:

- Only filtering facepiece respirators certified by the National Institute for Occupational Safety and Health (NIOSH) for protection against particulates should be used. A label or statement of certification should appear on the respirator or respirator packaging. It will list what the respirator is designed for (particulates, for example).
- Read and follow the manufacturer's instructions on the filtering facepiece respirator's use along with any warnings regarding the respirator's limitations. The manufacturer's instructions for shaving should also be followed, although doing so is not required by Title 8, section 5141.1, for voluntary use of filtering facepiece respirators.
- Do not wear filtering facepiece respirators in areas where the air contains contaminants for which the respirator is not designed. A respirator designed to filter particles will not protect you against gases or vapors, and it will not supply oxygen.
- Individuals should keep track of their respirator so that they do not mistakenly use someone else's respirator.
- Talk to your doctor if you have heart or lung problems before wearing a respirator.

To get the most amount of protection from a respirator, there must be a tight seal between the respirator and the user's face. A respirator will provide much less protection if facial hair interferes with the seal. Following the manufacturer's instructions for user seal checks and adjust the respirator if air leaks between the seal and the face. The more air leaks under the seal, the less protection the user receives. Follow the instructions below for proper donning of N95 and other filtering facepiece respirators:

- Place the mask over the nose and under the chin, with one strap placed below the ears and one strap above.
- Massage the metal part (if there is one) of the respirator over the top of the nose so it fits securely.
- Perform user seal checks per the manufacturer's instructions.

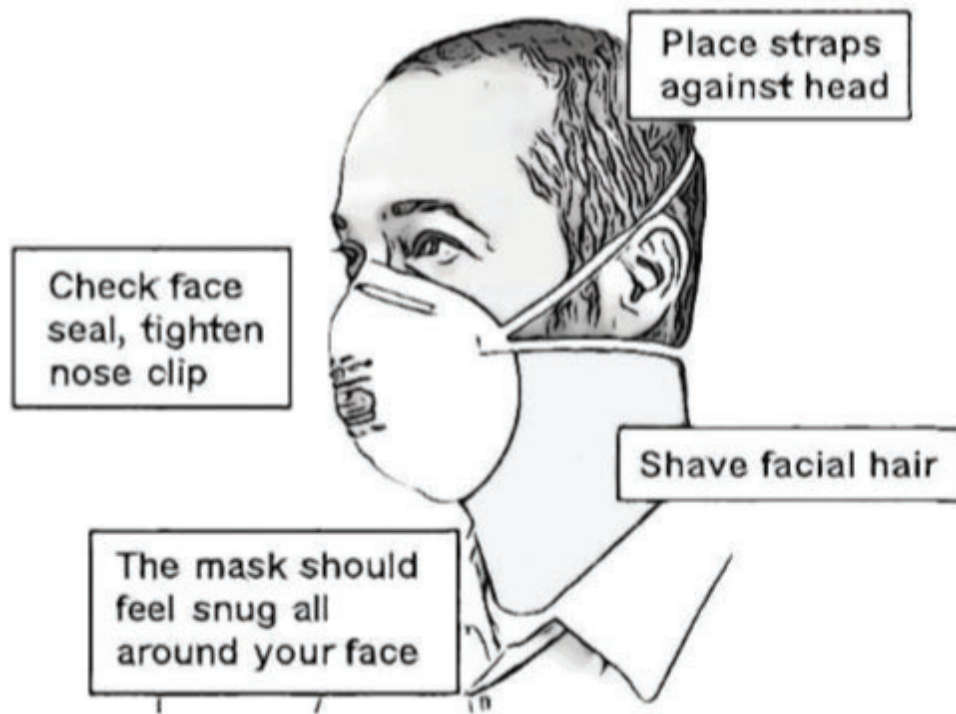


Figure 1. Drawing Showing Proper Fitting of a Filtering Facepiece Respirator (shaving is not required for voluntary respirator use).

Wildfire Smoke Protection

Instructor Name: _____ Title: _____

Topics covered:

- ✓ The Requirements of Title 8, Section 5141.1, Protection of Wildfire Smoke
- ✓ The Health Effects of Wildfire Smoke
- ✓ The right to obtain medical treatment without fear of reprisal
- ✓ How you can obtain the current Air Quality Index (AQI) for PM2.5.
- ✓ The local two-way communication system.
- ✓ Methods for protecting employees from wildfire smoke.
- ✓ The importance, limitations, and benefits of using a respirator when exposed to wildfire smoke
- ✓ How to properly put on, use, and maintain the respirators provided

By signing below, I acknowledge that I received training and understand the training materials presented.

Date	Name (Please Print)	Signature

Rule 14 - Equal Employment Opportunity / Discrimination / Sexual Harassment Policy

1100.1 RULE 14 - EQUAL EMPLOYMENT OPPORTUNITY / DISCRIMINATION / SEXUAL HARASSMENT POLICY

Agency Content

[Rule 14 - Equal Employment Opportunity / Discrimination / Sexual Harassment Policy](#) (Click to Read)

Tulare County Workplace Violence Policy

1101.1 TULARE COUNTY WORKPLACE VIOLENCE POLICY

Agency Content

[Tulare County Workplace Violence Policy](#) (Click to Read)