

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

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### MISSION STATEMENT

#### Our Mission

To protect and serve our community and to earn the public's trust through compassion and accountability.

#### Our Vision

To be the safest rural community in California where peace, justice, and freedom thrive.

#### Our Values

**Dedication** - Committed to our purpose.

**Excellence** - Being outstanding at everything we do.

**Professionalism** - More than a job, we are skilled and possess the knowledge and character to be CALLED to protect the community.

**Unity** - We are one team, one family. Not one of us is more important than the other. Together we can do mighty things.

**Trust** - Trust is everything. There is strength in our belief in each other and the community's belief in us.

**Integrity** - Strong character is the foundation that a person and department is built on.

**Engagement** - Committed to build ongoing relationship with our community.

**Service** - We serve by putting others first and respect for the constitutional rights of others. We give top priority to protecting the innocent and holding those accountable for breaking the law.

#### Our Principles

We are **PREPARED** to do what is necessary every day

We are trusted with the **PROTECTION** of our community, and hold this above all else.

We are dedicated to **PREVENTION** of crime and abuse of all types.

We put an emphasis on **PROBLEM SOLVING**, always being innovative and solution driven.

We seek trust and engagement through **PARTNERSHIP** with our employees and everyone in our community.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

---

### Table of Contents

|                                                                |           |
|----------------------------------------------------------------|-----------|
| <b>LAW ENFORCEMENT CODE OF ETHICS. . . . .</b>                 | <b>1</b>  |
| <b>Mission Statement. . . . .</b>                              | <b>2</b>  |
| <b>Chapter 1 - Law Enforcement Role and Authority. . . . .</b> | <b>8</b>  |
| 100 - Law Enforcement Authority. . . . .                       | 9         |
| 101 - Chief Executive Officer. . . . .                         | 12        |
| 102 - Oath of Office. . . . .                                  | 13        |
| 103 - Policy Manual. . . . .                                   | 14        |
| 104 - Law Enforcement Code of Ethics. . . . .                  | 17        |
| <b>Chapter 2 - Organization and Administration. . . . .</b>    | <b>18</b> |
| 200 - Organizational Structure and Responsibility. . . . .     | 19        |
| 201 - General Orders. . . . .                                  | 23        |
| 202 - Emergency Management Plan. . . . .                       | 24        |
| 203 - Training. . . . .                                        | 25        |
| 204 - Electronic Mail. . . . .                                 | 28        |
| 205 - Administrative Communications. . . . .                   | 30        |
| 207 - License to Carry a Firearm. . . . .                      | 31        |
| 208 - Retiree Concealed Firearms. . . . .                      | 38        |
| 216 - Staffing Levels. . . . .                                 | 43        |
| <b>Chapter 3 - General Operations. . . . .</b>                 | <b>44</b> |
| 300 - Use of Force. . . . .                                    | 45        |
| 301 - Use of Force Review Boards. . . . .                      | 56        |
| 302 - Handcuffing and Restraints. . . . .                      | 59        |
| 303 - Control Devices and Techniques. . . . .                  | 63        |
| 304 - Conducted Energy Weapons. . . . .                        | 69        |
| 305 - Officer-Involved Shootings and Deaths. . . . .           | 76        |
| 306 - Firearms. . . . .                                        | 88        |
| 308 - Deputy Response to Calls. . . . .                        | 98        |
| 309 - Domestic Violence. . . . .                               | 101       |
| 310 - Search and Seizure. . . . .                              | 109       |
| 311 - Temporary Custody of Juveniles. . . . .                  | 111       |
| 312 - Senior and Disability Victimization. . . . .             | 122       |
| 313 - Discriminatory Harassment. . . . .                       | 134       |
| 314 - Child Abuse. . . . .                                     | 140       |
| 315 - Missing Persons. . . . .                                 | 149       |
| 316 - Public Alerts. . . . .                                   | 156       |
| 317 - Victim and Witness Assistance. . . . .                   | 164       |
| 318 - Hate Crimes. . . . .                                     | 167       |
| 319 - Standards of Conduct. . . . .                            | 178       |
| 320 - Disposal of Media. . . . .                               | 185       |
| 321 - Information Technology Use. . . . .                      | 187       |

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

---

|                                                                   |                |
|-------------------------------------------------------------------|----------------|
| 322 - Report Preparation. . . . .                                 | 191            |
| 323 - Media Relations. . . . .                                    | 195            |
| 324 - Subpoenas and Court Appearances. . . . .                    | 200            |
| 325 - Reserve Deputies. . . . .                                   | 204            |
| 326 - Outside Agency Assistance. . . . .                          | 210            |
| 327 - Registered Offender Information. . . . .                    | 212            |
| 328 - Major Incident Notification. . . . .                        | 215            |
| 329 - Death Investigation. . . . .                                | 217            |
| 330 - Identity Theft. . . . .                                     | 220            |
| 331 - Private Persons Arrests. . . . .                            | 221            |
| 332 - Limited English Proficiency Services. . . . .               | 223            |
| 333 - Mandatory Employer Notification. . . . .                    | 231            |
| 334 - Biological Samples. . . . .                                 | 233            |
| 335 - Chaplains. . . . .                                          | 236            |
| 336 - Public Safety Video Surveillance System. . . . .            | 242            |
| 337 - Child and Dependent Adult Safety. . . . .                   | 246            |
| 338 - Service Animals. . . . .                                    | 250            |
| 339 - Volunteer Program. . . . .                                  | 253            |
| 340 - Off-Duty Law Enforcement Actions. . . . .                   | 258            |
| 341 - Canines. . . . .                                            | 260            |
| 342 - Office Use of Social Media. . . . .                         | 271            |
| 343 - Native American Graves Protection and Repatriation. . . . . | 274            |
| 344 - Gun Violence Restraining Orders. . . . .                    | 276            |
| 345 - Community Relations. . . . .                                | 282            |
| 346 - Generative Artificial Intelligence Use. . . . .             | 287            |
| 347 - Court Facility Entry Screening. . . . .                     | 291            |
| 349 - Vehicle Pursuits. . . . .                                   | 305            |
| 350 - Tsunami Response. . . . .                                   | 316            |
| <br><b>Chapter 4 - Patrol Operations. . . . .</b>                 | <br><b>329</b> |
| 400 - Patrol Function. . . . .                                    | 330            |
| 401 - Use of the Incident Command System (ICS). . . . .           | 333            |
| 402 - Bias-Based Policing. . . . .                                | 348            |
| 403 - Briefing Training. . . . .                                  | 352            |
| 404 - Crime and Disaster Scene Integrity. . . . .                 | 353            |
| 405 - Crisis Response Unit. . . . .                               | 355            |
| 406 - Mobile Field Force (MFF). . . . .                           | 367            |
| 407 - Ride-Along Policy. . . . .                                  | 373            |
| 408 - Hazardous Material Response. . . . .                        | 376            |
| 409 - Hostage and Barricade Incidents. . . . .                    | 378            |
| 410 - Response to Bomb Calls. . . . .                             | 384            |
| 411 - Mental Illness Commitments. . . . .                         | 389            |
| 412 - Cite and Release Policy. . . . .                            | 393            |
| 413 - Foreign Diplomatic and Consular Representatives. . . . .    | 397            |
| 414 - Rapid Response and Deployment. . . . .                      | 401            |
| 415 - Reporting Police Activity Outside of Jurisdiction. . . . .  | 404            |
| 416 - Immigration Violations. . . . .                             | 405            |



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

---

|                                                                                       |                |
|---------------------------------------------------------------------------------------|----------------|
| 417 - Field Training Officer Program. . . . .                                         | 417            |
| 418 - Aircraft Accidents. . . . .                                                     | 420            |
| 419 - Obtaining Air Support. . . . .                                                  | 424            |
| 420 - Contacts and Temporary Detentions. . . . .                                      | 425            |
| 421 - Criminal Organizations. . . . .                                                 | 429            |
| 422 - Watch Commanders. . . . .                                                       | 434            |
| 423 - Duty Officer. . . . .                                                           | 435            |
| 424 - Mobile Data Center Use. . . . .                                                 | 438            |
| 425 - Portable Audio/Video Recorders. . . . .                                         | 442            |
| 426 - Medical Marijuana. . . . .                                                      | 448            |
| 427 - Bicycle Patrol Unit. . . . .                                                    | 453            |
| 428 - Foot Pursuits. . . . .                                                          | 456            |
| 429 - Homeless Persons. . . . .                                                       | 461            |
| 430 - Crisis Intervention Incidents. . . . .                                          | 464            |
| 431 - Public Recording of Law Enforcement Activity. . . . .                           | 469            |
| 432 - First Amendment Assemblies. . . . .                                             | 472            |
| 433 - Suspicious Activity Reporting. . . . .                                          | 480            |
| 434 - Medical Aid and Response. . . . .                                               | 482            |
| 435 - Civil Disputes. . . . .                                                         | 488            |
| 436 - Mobile Audio/Video. . . . .                                                     | 491            |
| 437 - Automated License Plate Reader (ALPR) Technology. . . . .                       | 498            |
| 438 - Body-Worn Cameras. . . . .                                                      | 502            |
| <br><b>Chapter 5 - Traffic Operations. . . . .</b>                                    | <br><b>511</b> |
| 500 - Traffic Function and Responsibility. . . . .                                    | 512            |
| 501 - Traffic Collision Reporting. . . . .                                            | 515            |
| 502 - Vehicle Towing and Release. . . . .                                             | 518            |
| 503 - Vehicle Impound Hearings. . . . .                                               | 523            |
| 504 - Impaired Driving. . . . .                                                       | 525            |
| 505 - Traffic Citations. . . . .                                                      | 532            |
| 506 - Disabled Vehicles. . . . .                                                      | 535            |
| 507 - 72-Hour Parking Violations. . . . .                                             | 536            |
| <br><b>Chapter 6 - Investigation Operations. . . . .</b>                              | <br><b>538</b> |
| 600 - Investigation and Prosecution. . . . .                                          | 539            |
| 601 - Sexual Assault Investigations. . . . .                                          | 546            |
| 602 - Asset Forfeiture. . . . .                                                       | 552            |
| 603 - Informants. . . . .                                                             | 559            |
| 604 - Eyewitness Identification. . . . .                                              | 565            |
| 605 - Brady Material Disclosure. . . . .                                              | 569            |
| 606 - Unmanned Aerial System. . . . .                                                 | 571            |
| 607 - Warrant Service. . . . .                                                        | 574            |
| 608 - Operations Planning, De-Confliction, and the Risk Assessment Worksheet. . . . . | 578            |
| 609 - Forensic Genetic Genealogy. . . . .                                             | 584            |
| <br><b>Chapter 7 - Equipment. . . . .</b>                                             | <br><b>588</b> |
| 700 - Department Owned and Personal Property. . . . .                                 | 589            |

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

---

|                                                                       |                |
|-----------------------------------------------------------------------|----------------|
| 701 - Personal Communication Devices. . . . .                         | 591            |
| 702 - Vehicle Maintenance. . . . .                                    | 596            |
| 703 - Vehicle Use. . . . .                                            | 599            |
| 704 - Cash Handling, Security and Management. . . . .                 | 606            |
| 705 - Personal Protective Equipment. . . . .                          | 608            |
| 706 - Military Equipment. . . . .                                     | 613            |
| 707 - Restraint Device (BolaWrap 150). . . . .                        | 616            |
| <br><b>Chapter 8 - Support Services. . . . .</b>                      | <br><b>621</b> |
| 800 - Crime Analysis. . . . .                                         | 622            |
| 801 - the Communications Center. . . . .                              | 623            |
| 802 - Property Division. . . . .                                      | 629            |
| 803 - Records Division. . . . .                                       | 639            |
| 804 - Restoration of Firearm Serial Numbers. . . . .                  | 643            |
| 805 - Records Maintenance and Release. . . . .                        | 645            |
| 806 - Protected Information. . . . .                                  | 658            |
| 807 - Computers and Digital Evidence. . . . .                         | 665            |
| 808 - Animal Control. . . . .                                         | 669            |
| 809 - Jeanne Clery Campus Safety Act. . . . .                         | 674            |
| 810 - DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR. . . . .        | 680            |
| <br><b>Chapter 9 - Personnel. . . . .</b>                             | <br><b>712</b> |
| 900 - Recruitment and Selection. . . . .                              | 713            |
| 901 - Evaluation of Employees. . . . .                                | 725            |
| 902 - Special Assignments and Promotions. . . . .                     | 730            |
| 903 - Grievance Procedure. . . . .                                    | 734            |
| 904 - Anti-Retaliation. . . . .                                       | 736            |
| 905 - Reporting of Arrests, Convictions, and Court Orders. . . . .    | 740            |
| 906 - Drug- and Alcohol-Free Workplace. . . . .                       | 742            |
| 907 - Sick Leave. . . . .                                             | 745            |
| 908 - Communicable Diseases. . . . .                                  | 747            |
| 909 - Smoking and Tobacco Use. . . . .                                | 758            |
| 910 - Personnel Complaints. . . . .                                   | 759            |
| 911 - Seat Belts. . . . .                                             | 769            |
| 912 - Body Armor. . . . .                                             | 771            |
| 913 - Personnel Records. . . . .                                      | 773            |
| 914 - Commendations and Awards. . . . .                               | 779            |
| 915 - Awards Program. . . . .                                         | 782            |
| 916 - Fitness for Duty. . . . .                                       | 791            |
| 917 - Meal Periods and Breaks. . . . .                                | 794            |
| 918 - Lactation Breaks. . . . .                                       | 795            |
| 919 - Payroll Records. . . . .                                        | 797            |
| 920 - Overtime Compensation Requests. . . . .                         | 798            |
| 921 - Outside Employment. . . . .                                     | 800            |
| 922 - Occupational Disease and Work-Related Injury Reporting. . . . . | 805            |
| 923 - Personal Appearance Standards. . . . .                          | 807            |
| 924 - Uniform Regulations. . . . .                                    | 811            |

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

---

|                                                                  |            |
|------------------------------------------------------------------|------------|
| 925 - Nepotism and Conflicting Relationships. . . . .            | 832        |
| 926 - Department Badges. . . . .                                 | 835        |
| 927 - Temporary Modified-Duty Assignments. . . . .               | 837        |
| 928 - Exercise Room Policy. . . . .                              | 841        |
| 929 - Employee Speech, Expression and Social Networking. . . . . | 844        |
| 930 - Illness and Injury Prevention. . . . .                     | 848        |
| 931 - Line-of-Duty Deaths. . . . .                               | 853        |
| 932 - Wellness Program & Peer Support. . . . .                   | 864        |
| <b>Attachments. . . . .</b>                                      | <b>869</b> |
| Hate Crime Checklist.pdf. . . . .                                | 870        |
| Supplemental Hate Crime Report-Agency.pdf. . . . .               | 871        |
| OP-E-4 Court Facility Screening 09.15.08.pdf. . . . .            | 872        |
| HCSO Risk Assessment.pdf. . . . .                                | 873        |
| PC 633.8 designated officers.pdf. . . . .                        | 874        |
| Statutes and Legal Requirements.pdf. . . . .                     | 875        |
| Supplemental Hate Crime Report.pdf. . . . .                      | 876        |

## **Chapter 1 - Law Enforcement Role and Authority**

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

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

### 100.2 PEACE OFFICER POWERS

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

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 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE HUMBOLDT COUNTY SHERIFF'S OFFICE

The arrest authority outside the jurisdiction of the Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Law Enforcement Authority*

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#### 100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE HUMBOLDT COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Humboldt 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.
- (e) In compliance with an arrest warrant.

#### 100.2.4 TIME OF MISDEMEANOR ARRESTS

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

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

#### 100.2.5 OREGON AUTHORITY

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Law Enforcement Authority*

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or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Humboldt 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 POLICY**

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

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

#### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

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

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

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

# Chief Executive Officer

## **101.1 PURPOSE AND SCOPE**

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

### **101.1.1 SHERIFF CANDIDATEREQUIREMENTS**

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**

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

### **102.2 POLICY**

It is the policy of the Humboldt 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**

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**

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

# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Humboldt 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.

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Humboldt 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 Humboldt County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## 103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue 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 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

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

**CHP**- The California Highway Patrol.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Policy Manual*

---

**CFR** - Code of Federal Regulations.

**County** - The County of Humboldt County Sheriff's Office.

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

**Department/HCSO** - The Humboldt 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 Humboldt County Sheriff's Office Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Humboldt 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 Humboldt 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.

**SHIELD / LEFTA** - An internal database that holds information pertaining to: Vehicle Damage files (V-DOC), Use of Force investigations (FACTS), Vehicle Pursuit information (VIPR), Field Training files (LEFTA), Internal Affair files, and Citizen Complaint files (EMCOT).

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Policy Manual*

---

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.

#### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on [lexipol.com](http://lexipol.com) for viewing and printing. Each member of the department shall maintain an account with Lexipol to access and acknowledge revised policy within 30-days of issuance unless extenuating circumstances exist (see the Administrative Lieutenant for initial access or issues). Each member shall acknowledge, via [lexipol.com](http://lexipol.com), that he/she has been provided access to, has had the opportunity to review, and will comply with the Policy Manual, General Orders, and any policy updates as they are issued. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

#### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

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

#### **103.7 REVISIONS TO POLICIES**

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

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

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

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

## Law Enforcement Code of Ethics

### 104.1 PURPOSE AND SCOPE

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

### 104.2 POLICY

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

### 104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

#### 104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

## **Chapter 2 - Organization and Administration**

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

The organizational structure of this Office 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 POLICY

The duties of the Sheriff are clearly defined in various sections of the Government Code of California. These duties shall be the preservation of the peace, the arrest of violators, the prevention and suppression of affrays, and investigation of public offenses. In addition, the Sheriff shall attend all sessions of the County Superior Courts, serve all processes of the Courts in compliance with the Government Code, maintain a County Jail and furnish proper custodial care for all prisoners incarcerated at the jail.

### 200.3 DEFINITIONS

Office - "Office" alone shall mean the Humboldt County Sheriff's Office

Employee or Member - "Employee" or "Member" alone shall mean the employees and volunteer personnel of the Humboldt County Sheriff's Office.

Sworn Personnel - "Sworn Personnel" shall mean the employees of the Humboldt County Sheriff's Office who fulfill the prerequisites as set forth in Section 830.1 of the Penal Code of the State of California.

Professional Employee - "Professional Employee" shall mean the non-sworn civilian employees not included in the term "Sworn Personnel".

Shall/Will and May - "Shall/Will" are mandatory. "May" is permissive.

Bureau - A "Bureau" is a major functional unit of the Sheriff's Office.

Bureau Commander - "Bureau Commander" shall mean the manager in charge of a Bureau.

Division - A subordinate organizational unit with the Bureau.

Team/Unit - One or more Deputies assigned to a specific function within a Bureau or Division.

Supervisor - A member or employee of the Sheriff's Office assigned to a position requiring the exercise of immediate supervision over activities of other members and employees.

### 200.4 STRUCTURE

The **Sheriff** is the Chief Executive Officer and final agency authority on all matters of policy, operation, and discipline. The Sheriff exercises all lawful powers of the Office and issues such lawful orders as are necessary to assure the effective performance of the Sheriff's Office. The Sheriff establishes, and modifies, all organizational structure. The most current organizational structure will be published via an organizational chart available to members of the Office and public. Through the Sheriff, the Sheriff's Office is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Sheriff is responsible for planning, directing,

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Organizational Structure and Responsibility*

---

and co-coordinating, controlling and staffing all activities of the Sheriff's Office for its continued and efficient operation, for the enforcement of rules and regulations within the Sheriff's Office, for the completing and forwarding of such reports as may be required by competent authority and for the Sheriff's Offices' relations with the citizens of Humboldt County, county government, and all other agencies and organizations.

The **Undersheriff** is second in command of the Sheriff's Office and subordinate only to the Sheriff. The Undersheriff acts in the capacity of the Chief Administrator and Executive to the Sheriff, who may, at any time, detail specific administrative and executive duties to them. During the Sheriff's temporary absence from duty, the Undersheriff may assume the duties and responsibilities of the Sheriff. At such times the Undersheriff is in supreme command, and upon them rests the responsibility of making administrative decisions and otherwise conducting the affairs as Chief Executive Officer of the Sheriff's Office. In the temporary absence of the Sheriff and Undersheriff, the Sheriff may select one or more executives next in the chain of command to assume such duties and responsibilities.

The **Deputy Director** is a civilian administrator and executive officer of the Sheriff's Office. The Deputy Director is in command of the Financial and Support Services Bureau and is subordinate only to the Sheriff. The Deputy Director acts in the capacity of Chief Administrator and Chief Executive Officer to the Sheriff regarding the activities of the Financial and Support Services Bureau.

A **Bureau Commander** is an executive officer of the Sheriff's Office, generally a Captain or above, who commands the activities of an entire Bureau in accordance with the policies prescribed by the Sheriff. It is their duty to aid, advise and cooperate with the Sheriff and Undersheriff in the implementation and enforcement of all general administrative, operational, and policy matters.

A **Division Commander** is a Lieutenant of the Sheriff's Office who commands the activities of their division(s), under the direction of their Bureau Commander or the Undersheriff, in accordance with the policies prescribed by the Sheriff. It is their duty to aid, advise and cooperate with the Sheriff, Undersheriff, and Bureau Commander in general administrative and operational matters and determining matters of policy.

In the absence of a Division Commander or Manager, the next level up will be in charge unless otherwise directed by the Sheriff.

In addition to the general and individual responsibilities of all members and employees, the Division Commander is specifically responsible for the following:

**GOOD ORDER** - The general good order of their command during their tour of duty is to include proper discipline, conduct, welfare, field training, and efficiency.

**REPORTING** - Reporting as required by higher authority. Maintenance of such records as specified by higher authority.

**PERSONNEL COMPLAINTS** - Inquiring into personnel complaints against members and employees under their command in accordance with the orders of the Sheriff's Office.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Organizational Structure and Responsibility*

---

**WATCH COMMANDER - ON CALL DUTY OFFICER** - The Watch Commander, during their tour of duty, which is 1600 to 0800 hours (Friday to Friday), exercises the same authority and has the same responsibilities as their commanding officer, subject to the orders of the Bureau Commander or higher authority. In the absence of those members of the Sheriff's Office who regularly exercise such authority over the office, the On Call Duty Officer shall be designated as the ranking authority of the Sheriff's Office. This authority and responsibility is not limited or confined to their own Bureau or Division, but shall include supervision over and responsibility for all personnel in the Sheriff's Office.

Inquiries for direction or permission, and/or official advisement, Monday through Friday 0800 to 1600 hours, shall be done through appropriate on duty chain of command. If the next superior in the chain of command is not on duty or available, another available Division Commander or Bureau Commander who is on duty, should be contacted. This does not have to be in person, and can be via phone. All on duty admin shall be logged in to RIMS, to assist in identifying options of managers to contact in these instances.

All inquires for direction or permission, and/or official advisement, Monday through Friday 1600 to 0800, and anytime Saturday and Sunday, should be made to the On Call Duty Officer.

#### **200.5 CHAIN OF COMMAND AND CONTROL**

Lines of control permitting the delegation of authority, the placing of responsibility, the supervision of operations, and the coordination of effort are hereby established in conformity with the organizational chart. Absent specific direction from the Sheriff, the general chain of command shall be as follows:

Sheriff

Undersheriff

Captain

Lieutenant

Sergeant and/or Supervisor

Deputy/Officer/Employee

All official communications of the Sheriff's Office, whether moving downward, or requests, information, suggestions or complaints, moving upward, shall be confined to official channels. Each link in the chain of command shall be respected in this regard. It shall be the responsibility of each echelon to forward communications in a timely manner to the next higher echelon, with their approval, disapproval or recommendations.

Employees of the Sheriff's Office shall transact official business through the channels commencing with the immediate supervisor, who, if they find it is not a matter which can be handled by them, will give permission to the employee to submit their request in writing to the proper supervisor, and the immediate supervisor shall forward the request to the next supervisor with their comments. In emergencies where the immediate superior cannot handle the matter, they will instruct the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Organizational Structure and Responsibility*

---

employee to make verbal contact with the next available supervisor. This rule does not deny an employee the privilege of contacting the Sheriff, Undersheriff, Bureau Commander, or Division Commander on matters of a strictly personal nature.

#### **200.6 COMMAND PROTOCOL**

##### **200.6.1 SUCCESSION OF COMMAND**

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff will designate the Undersheriff to exercise command. The order of command authority in the absence or unavailability of the Sheriff and Undersheriff is the senior Operations Services Bureau Captain followed by the most senior Operations Services Bureau Lieutenant.

##### **200.6.2 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Sheriff's Office. 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. Each individual unit, and situation, is under the immediate control of one, and only one person. In the case of an emergency, a supervisor is not relieved of the responsibility to act, even though a subordinate or incident is not under their direct command.

##### **200.6.3 ORDERS**

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

## General Orders

### **201.1 PURPOSE AND SCOPE**

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**

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**

#### **201.2.1 STAFF**

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

#### **201.2.2 SHERIFF**

The Sheriff shall issue all General Orders.

### **201.3 ACCEPTANCE OF GENERAL ORDERS**

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 Training Sergeant.

# Emergency Management Plan

## **202.1 PURPOSE AND SCOPE**

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

## **202.2 ACTIVATING THE EMERGENCY PLAN**

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

### **202.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Management Plan is activated, all employees of the Humboldt 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**

The Emergency Management Plan is available in Administration and the Watch Supervisor's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration 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**

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

## Training

### **203.1 PURPOSE AND SCOPE**

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

### **203.2 PHILOSOPHY**

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).

### **203.3 OBJECTIVES**

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of office personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

### **203.4 TRAINING PLAN**

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

- State Mandated Training
- Critical Issues Training

### **203.5 TRAINING NEEDS ASSESSMENT**

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

### **203.6 TRAINING COMMITTEE**

The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Office.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Training*

---

abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at his/her discretion.

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

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

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

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

#### **203.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. First choice vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation.
  - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

#### **203.8**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Training*

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#### **203.9 POLICY**

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

#### **203.10 TRAINING SERGEANT**

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

##### **203.10.1 TRAINING RESTRICTION**

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

## Electronic Mail

### **204.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email 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 email 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.

### **204.2 EMAIL RIGHT OF PRIVACY**

All email 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 email system or that is stored on any department system.

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

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

### **204.3 PROHIBITED USE OF EMAIL**

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

Email 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 email, name and/or password by others.

### **204.4 EMAIL RECORD MANAGEMENT**

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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Electronic Mail*

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The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

## Administrative Communications

### **205.1 PURPOSE AND SCOPE**

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

### **205.2 MEMORANDUMS**

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

### **205.3 CORRESPONDENCE**

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

### **205.4 SURVEYS**

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff or Undersheriff.

## License to Carry a Firearm

### 207.1 PURPOSE AND SCOPE

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

#### 207.1.1 APPLICATION OF POLICY

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).

### 207.2 POLICY

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

### 207.3 QUALIFIED APPLICANTS

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

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the County of Humboldt County Sheriff's Office (Penal Code § 26150; Penal Code § 26155).
  - 1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., or The Second Amendment Foundation and who are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Humboldt County Sheriff's Office (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *License to Carry a Firearm*

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- (j) Complete required training described in Penal Code § 26165.

#### **207.4 APPLICATION PROCESS**

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

##### **207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California 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. If an incomplete application package is received, the Sheriff or the 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).
- (b) Applicant fees shall be submitted and processed according to office-established procedures and 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.
  - 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) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Office shall give written notice to the applicant of the Office's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *License to Carry a Firearm*

---

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

#### 207.4.2 PHASE TWO

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

- (a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- (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 shall be paid by the applicant but shall not exceed the reasonable costs to the Office (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Office, which complies with Penal Code § 26165.
- (d) The applicant shall submit any firearm to be considered for a license to the Head Rangemaster or other office authorized gunsmith, at no cost to the applicant, 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).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the office Head Rangemaster, or provide proof of successful completion of another office-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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 (Penal Code § 26170).

#### **207.5 ISSUED FIREARMS PERMITS**

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
  - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
  - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *License to Carry a Firearm*

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- (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. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

#### 207.5.1 LICENSE RESTRICTIONS

- (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.
  - 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.

#### 207.5.2 AMENDMENTS TO LICENSES

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *License to Carry a Firearm*

---

- (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.

#### 207.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Sheriff for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (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).

#### 207.5.4 LICENSE RENEWAL

No later than 90 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 training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Head 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 the applicable renewal application fee.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *License to Carry a Firearm*

---

Within 90 days of receiving the completed application for a renewal license, the Office shall give written notice to the applicant of the office's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Office shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

Once the Sheriff or the 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.

#### **207.6 OFFICE REPORTING AND RECORDS**

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

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

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

#### **207.7 CONFIDENTIAL RECORDS**

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

#### **207.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

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

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

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



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *License to Carry a Firearm*

---

- (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).

#### **207.9 WRITTEN NOTICE FOR DENIAL OF LICENSE**

The Sheriff or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 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 (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

##### **207.9.1 ADDITIONAL REQUIREMENTS**

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Sheriff or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Office shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Sheriff or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

#### **207.10 POLICY AVAILABILITY**

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

## Retiree Concealed Firearms

### 208.1 PURPOSE AND SCOPE

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

### 208.2 POLICY

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

### 208.3 LEOSA

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.

#### 208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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 Humboldt 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.

#### 208.3.2 AUTHORIZATION

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:

- (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Retiree Concealed Firearms*

---

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.

#### **208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE**

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).

##### **208.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT**

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."

##### **208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION**

The Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Retiree Concealed Firearms*

---

- (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.

#### 208.4.3 QUALIFIED RETIRED RESERVES

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

#### **208.5 FORMER DEPUTY RESPONSIBILITIES**

A former deputy with a card issued under this policy shall immediately notify the Watch Supervisor 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.

##### 208.5.1 RESPONSIBILITIES UNDER LEOSA

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.

##### 208.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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.
- (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.

#### **208.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended, or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Retiree Concealed Firearms*

---

#### **208.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD**

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 Watch Supervisor 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."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Supervisor as soon as practicable. The Watch Supervisor 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 Watch Supervisor should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Retiree Concealed Firearms*

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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 Watch Supervisor 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 Watch Supervisor may request that a law enforcement officer from that agency act as the agent of the Office to deliver the written notification.

#### **208.8 FIREARM QUALIFICATIONS**

The Head 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 Head Rangemaster will maintain a record of the qualifications and weapons used.

## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

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

### **216.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels for the Patrol Division should result in the scheduling of at least one supervisor and eight deputies for each watch between the hours of 0600 and 0200. Watch Commanders will ensure that at least one field supervisor is deployed during each watch. Between the hours of 0200 and 0600, minimum staffing is at least one supervisor, and five Deputies. This does not mean that scheduled staffing can't surpass these numbers, and modifications to these staffing levels are subject to the totality of circumstances and/or at the direction of the Sheriff or their designee.

#### **216.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate training and other unforeseen circumstances, a deputy may be used as a field supervisor in place of a field sergeant.

## **Chapter 3 - General Operations**



## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this 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.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

### 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

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**

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

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

#### **300.2.2 FAIR AND UNBIASED USE OF FORCE**

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

#### **300.2.3 DUTY TO REPORT EXCESSIVE FORCE**

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

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

#### **300.2.4 FAILURE TO INTERCEDE**

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

### **300.3 USE OF FORCE**

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 in each incident. Deputies may only use a level of force that they reasonably believe is

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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 or authorized 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

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

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

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

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 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Deputies of this office are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

#### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

#### 300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

#### 300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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).

#### 300.3.8 ADDITIONAL RESTRICTIONS

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

secured, deputies should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

#### **300.4 DEADLY FORCE APPLICATIONS**

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

- (a) A deputy may use deadly force to protect themselves or others from what the deputy 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 themselves, 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).

Additionally, a deputy shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity.

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**

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

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**

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.

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

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force 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 use of force 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**

Any use of force by a deputy shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (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 conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

#### **300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

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 Division Policy.

#### **300.5.3 REPORT RESTRICTIONS**

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

#### **300.6 MEDICAL CONSIDERATIONS**

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)).

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 the individual 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, 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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITY**

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) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 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.
- (h) 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.
- (i) Write a memorandum to their chain of command summarizing the incident. At the conclusion of the memorandum, the supervisor should offer an opinion as to whether, based on the facts known at the time, the use of force was justified by law and policy. See the Administrative Lieutenant for a sample memorandum if desired.

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

#### 300.7.1 WATCH SUPERVISOR RESPONSIBILITY

The Watch Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

### **300.8 TRAINING**

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

#### 300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to deputies who are the subject of a sustained use of force complaint.

#### 300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Field Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

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

### **300.10 USE OF FORCE COMPLAINTS**

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)).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force*

---

#### **300.11 POLICY REVIEW**

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

#### **300.12 POLICY AVAILABILITY**

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

#### **300.13 PUBLIC RECORDS REQUESTS**

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)).

## Use of Force Review Boards

### **301.1 PURPOSE AND SCOPE**

This policy establishes a process for the Humboldt County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### **301.2 POLICY**

The Humboldt County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### **301.3 REMOVAL FROM LINE DUTY ASSIGNMENT**

Generally, whenever an employee's actions or use of force in an official capacity, or while using office equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### **301.4 REVIEW BOARD**

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administration Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### **301.4.1 COMPOSITION OF THE BOARD**

The Administration Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force Review Boards*

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- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Office instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

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

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, office policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the office's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of Force Review Boards*

---

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

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

### 302.3 USE OF RESTRAINTS

Only members who have successfully completed Humboldt 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

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

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Handcuffing and Restraints*

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

#### **302.3.3 RESTRAINT OF JUVENILES**

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

#### **302.3.4 NOTIFICATIONS**

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

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

#### **302.5 APPLICATION OF SPIT HOODS**

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

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

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Handcuffing and Restraints*

---

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**

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

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

#### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

##### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

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

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Handcuffing and Restraints*

---

- (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**

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

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

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

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

#### **302.9 TRAINING**

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

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

## Control Devices and Techniques

### **303.1 PURPOSE AND SCOPE**

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

### **303.2 POLICY**

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

### **303.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

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

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

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

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

### **303.4 RESPONSIBILITIES**

#### **303.4.1 WATCH SUPERVISOR RESPONSIBILITIES**

The Watch Supervisor 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 HEAD RANGEMASTER RESPONSIBILITIES**

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

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

#### **303.4.3 USER RESPONSIBILITIES**

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Control Devices and Techniques*

---

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Head 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**

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 DOUBLE CORDED BATON GUIDELINES**

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

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the Deputy reasonably believes the suspect may cause serious bodily injury or death to the Deputy or others.

#### **TRAINING**

Only Deputies trained and having shown adequate proficiency in the use of the Double Corded Baton and this agency's Use of Force policy are authorized to carry and use the device. Proficiency training must be monitored and documented by a certified Defensive Tactics Instructor.

Training for the Double Corded Baton should occur every two years at a minimum.

All training and proficiency for control devices will be documented in the Deputy's Training File

#### **REPORTING USE OF DOUBLE CORDED BATON AND TECHNIQUES**

Any application of the Double Corded Baton and/or techniques shall be documented pursuant to policy.

#### **303.7 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Supervisor, 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Control Devices and Techniques*

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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.

#### **303.8 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

##### **303.8.1 OC SPRAY**

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

##### **303.8.2 PEPPER PROJECTILE SYSTEMS**

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

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

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. 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.

##### **303.8.3 TREATMENT FOR OC SPRAY EXPOSURE**

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

#### **303.9 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Control Devices and Techniques*

---

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.

#### **303.10 KINETIC ENERGY PROJECTILE GUIDELINES**

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

##### **303.10.1 DEPLOYMENT AND USE**

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

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

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

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

##### **303.10.2 DEPLOYMENT CONSIDERATIONS**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Control Devices and Techniques*

---

The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

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

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

#### **303.10.3 SAFETY PROCEDURES**

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

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

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

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

#### **303.11 TRAINING FOR CONTROL DEVICES**

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Control Devices and Techniques*

---

#### **303.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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



## Conducted Energy Weapons

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of a Taser device, also known as a Conducted Energy Weapon (CEW).

### 304.2 POLICY

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

### 304.3 ISSUANCE AND CARRYING CEW

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

The Sheriff's designee for issuing CEW should keep a log of issued CEW and the serial numbers of cartridges/magazines issued to department members.

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

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

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

Members carrying the CEW should perform a spark test prior to every shift.

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

- (a) All CEW shall be clearly distinguishable 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 CEW.
- (c) Deputies should not hold a firearm and the CEW at the same time.

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

#### 304.3.1 USER RESPONSIBILITIES

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

CEWs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Sheriff's Designee for handling that equipment for disposition. Deputies

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Conducted Energy Weapons*

---

shall submit documentation via COC stating the reason for the return and how the CEW or cartridge/magazine was damaged or became inoperative, if known.

#### **304.4 VERBAL AND VISUAL WARNINGS**

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

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

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

#### **304.5 USE OF THE CEW**

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

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

##### **304.5.1 APPLICATION OF THE CEW**

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

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Conducted Energy Weapons*

---

#### 304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

#### 304.5.3 TARGETING CONSIDERATIONS

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

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CEW

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Conducted Energy Weapons*

---

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

#### **304.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, deputies shall notify a supervisor any time the CEW has been discharged. The expended cartridge should be submitted into evidence following an arrest/crime and/or if the Deputy believes the CEW application will have any legal liability. The cartridge serial number should be noted and documented on the evidence paperwork and in the report. Taser probes should be photographed and disposed of in a Sharps container to avoid exposure to any blood borne pathogens.

#### **304.5.6 DANGEROUS ANIMALS**

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

#### **304.5.7 OFF-DUTY CONSIDERATIONS**

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

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

### **304.6 DOCUMENTATION**

Deputies shall document all CEW discharges in the related arrest/crime and/or incident reports. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented. Data downloads from the CEW after use on a subject should be done as soon as practicable using a office-approved process to preserve the data.

#### **304.6.1**

#### **304.6.2 REPORT DOCUMENTATION**

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

- (a) The type and brand of CEW 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 CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Conducted Energy Weapons*

---

- (e) The range at which the CEW 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.
- (m) Identification of all personnel discharging CEW
- (n) Identification of all witnesses.
- (o) Medical care provided to the subject.
- (p) Observations of the subject's physical and physiological actions.
- (q) Any known or suspected drug use, intoxication or other medical problems.

#### **304.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW 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 CEW probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CEW 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/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Conducted Energy Weapons*

---

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

#### **304.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to a CEW. The device's internal logs should be downloaded by a supervisor or Certified CEW Instructor and saved with the related arrest/crime and/or incident report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

#### **304.9 TRAINING**

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

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

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

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

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

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

The Training Sergeant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Conducted Energy Weapons*

---

- (f) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CEW.
- (i) Proper use of cover and concealment during deployment of the CEW for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEW.

**304.10 SECTION TITLE**

**304.11 SECTION TITLE**

**304.12 SECTION TITLE**

**304.13 SECTION TITLE**

## Officer-Involved Shootings and Deaths

### 305.1 PURPOSE AND SCOPE

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

Investigations of Officer Involved Critical Incidents are frequently more complex and demanding than routine law enforcement investigations. Applicable administrative, criminal statutory and case law is complex and often contradictory. Questions arise about the propriety of a law enforcement agency conducting an investigation wherein one of its own officers is involved. An Officer Involved Critical Incident intensifies media attention, public scrutiny, and civil liability concerns. If the critical incident isn't fully and properly investigated by respectable law enforcement officials, public trust can be eroded.

The potential social, civil, administrative and criminal consequences of Officer Involved Incidents are profound and affect many parties. If adequate safeguards are not delineated in advance, the public's "right to know" may conflict with the progress of the criminal investigation and an individual's constitutional rights to a fair trial. When multiple agencies are involved, differences in policy, procedure, personnel, resources and interests may conflict, hamper or delay the investigative process.

As a result of these factors, these protocols have been developed to guide participating Humboldt County Law Enforcement agencies in conducting a Multi-Agency Officer-Involved Critical Incident investigation. The goal of these Critical Incident Response Team (CIRT) guidelines is to help assure that such cases are fully and fairly investigated, and that proper dispositions of such cases are made based upon all the legally available, relevant evidence.

This document represents the consensus of CIRT member agencies as to how such cases are to be investigated. The guidelines permit individual agencies to make modifications in order to meet individual agency regulations. The guidelines are not intended to increase the civil or criminal liability of member agencies or their employees and shall not be construed to create any mandatory obligations to, or on behalf of, third parties. Agencies represented should review their related policies and make every effort to modify them to avoid conflict with these guidelines. Each agency's individual policy may be attached to these guidelines.

### 305.2 POLICY

The policy of the Humboldt County Sheriff's Office is to ensure that officer-involved shootings and Critical Incidents are investigated in a thorough, fair and impartial manner. Critical Incident Response Team guidelines and policies shall be followed for each incident.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

#### **305.3 FORMATION OF A CRITICAL INCIDENT RESPONSE TEAM PROTOCOL**

The formation of a Critical Incident Response Team (C.I.R.T.), comprised of designated representatives from various Humboldt County law enforcement agencies, is an integral part of this protocol. This team, available to assist any member agency when requested by the Sheriff, Chief or his designee, is expected to provide investigative assistance in the most thorough manner practical. It is expected that those agencies supplying officers for regular participation on this team, will afford appropriate, specialized training in designated areas and have those team members available for regularly scheduled team exercises. The minimum required training shall be the successful completion of a POST recognized homicide investigation course and/or a certified Officer Involved Shooting course. Consistency and continuity of team members is critical if they are to work together in an efficient manner during crisis situations. This protocol also makes available to member agencies collective resources during the course of a Critical Incident Investigation.

The use of the Critical Incident Protocol is at the sole discretion of the Sheriff who has jurisdiction over the incident. It is also recognized that the Agency of Jurisdiction shall not control the extent and scope of the assistance provided by the CIRT. This team will not become involved in any related administrative investigation. It is also understood the criminal investigation has investigative priority over any administrative investigation.

#### **DEFINITIONS**

##### **CIRT Member Agency**

Law Enforcement Agency that is a member of the Law Enforcement Chief's Association of Humboldt County:

Sheriff's Office

Eureka Police Department

Arcata Police Department

Fortuna Police Department

Ferndale Police Department

Rio Dell Police Department

Humboldt County Probation Department

Humboldt State University Police Department

District Attorney's Office

Cal Fire

California Highway Patrol

California State Parks

State DOJ Crime Laboratory

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

National Parks Service

#### **Critical Incident**

A Critical Incident is any incident involving law enforcement in which the agency of jurisdiction, "Primary Agency", requests the assistance of the Critical Incident Response Team to aid in the investigation and documentation of that incident. A situation is determined to be a Critical Incident by the Agency of Jurisdiction's Department Head or his Designee.

#### **Critical Incident Response Team (CIRT)**

The CIRT team is assigned to assist member agencies during the investigation of the Critical Incidents. One or more representatives from the following agencies will be assigned as on-going, permanent members of the team. These officers will receive specialized training in the handling of Critical Incident Investigations, such as officer-involved shootings, and will be expected to regularly participate in training exercises.

For the purpose of these guidelines the following definitions are offered: "Officer-Involved Incident"

An "Officer-Involved Incident" is any incident in which a peace officer or custodial officer (both herein referred to as "Officer"), acting under color of authority, is directly involved in the following:

- (a) Any intentional discharge of a firearm by an Officer.
- (a) Unintentional discharge of a firearm which proximately causes death or injury to another.
- (b) An intentional use of any other deadly or dangerous weapon by an Officer, which proximately causes the death of, or injury likely to produce death to another.
- (c) An intentional act on the part of an Officer, which proximately causes the death of, or injury likely to produce death to another.
- (d) Any enforcement action taken by an Officer, which proximately causes the death of another.
- (e) Any death of person while in custody or under Officer Control.
- (f) Excluded from mandatory protocol investigations are post-booking deaths of prisoners, which occur in jails, hospitals or other facilities, while the prisoner is under the custody and care of a Law Enforcement Agency's (LEA) medical care provider for diagnosed diseases or conditions which have been known and monitored and/or treated by the LEA's medical care provider prior to death, but only when the deaths were medically expected and when custodial suicide, trauma, accident, or use of intoxicants was not involved.

#### **"Peace Officer" and "Correctional Deputy"**

- (a) Law enforcement officers defined by Penal Code, § 830.1 et seq. (e.g., Municipal Police, Sheriff, and D.A. Investigators) and Reserve Officers and Reserve Deputies defined by Penal Code.
- (a) Deputy Coroner and Welfare Fraud Investigators defined by Penal Code, § 830.35.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- (b) Correctional Deputies defined by Penal Code, § 830.1 (c)
- (c) Parole and Probation Officers defined by Penal Code, § 830.5
- (d) State Officers defined by Penal Code, § 830.2 (e.g., CHP, DOJ, University Police, CAL Fire, CA Dept. Fish & Wildlife).
- (e) Federal Agents, (e.g., USFS, NPS, BLM, FBI, BATFE, U.S. Marshall, I.C.E., DEA).

#### **" Department of Justice (DOJ)"**

California Department of Justice Investigator assigned to the investigation based upon availability.

#### **"Primary Agency"**

The Government agency that has the jurisdiction to enforce and investigate violations of state criminal law of that geographic area in Humboldt County.

#### **"Employing Agency"**

The agency which employs the Involved Officer.

#### **"Proximate Cause"**

A cause which, in a natural and continuous sequence, produces the injury and/or death, without which the injury and/or death would not have occurred.

#### **"Incident Investigators"**

The Chief Executive of the Primary Agency or his designee may meet with the Chief District Attorney Investigator or his designee to identify one investigator from their respective agencies who will serve as co-lead investigators for the CIRT investigation. This protocol does not take the authority away from the Chief Executive of the primary agency to deviate from the co-lead concept, as outlined. The Chief Executive may use his/her discretion and opt to include or replace one of the identified co-lead agencies with an investigator from another agency or agencies, including the Department of Justice Investigative Bureau. In any case at least one (1) District Attorney Investigator shall be included in the team to insure representation of the District Attorney, who is responsible for conducting an independent analysis of the investigation to determine if criminal conduct exists.

### **A.GENERAL POLICY STATEMENT**

Investigations of Officer Involved Incidents will be conducted to develop all available relevant information about the incident. The investigations will be conducted in a manner that provides for a thorough and credible investigation that is free from conflicts of interest.

Such investigations are designated "Incident Investigations", the goals of which are to determine:

- (a) The identity of the person(s) responsible; and
- (a) The existence or non existence of evidence constituting a criminal act.

The investigation shall be conducted utilizing the best evidence based practices available and the investigation will be forwarded to the District Attorney for independent review.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

The investigations shall be performed in a manner consistent with the rules of evidence in a criminal proceeding. Any administrative investigation shall be separate and distinctly different from the Incident Investigation.

The investigation of each Incident will commence as promptly as practical after the occurrence.

#### **305.4 INVESTIGATIVE RESPONSIBILITY**

The responsibility for conducting the Incident Investigation rests with the **Lead Incident Investigators**, which have the ultimate responsibility for the preservation and security of the scene(s), collection of evidence at the scene(s) and from the involved officer(s), including their equipment and/or vehicles, when appropriate.

- (a) Initial officers at the scene will make all reasonable efforts to preserve and secure the scene, pending the arrival of the Incident Investigators. This includes barrier tape and restricting access to the scene until investigators arrive.
- (b) The Lead Incident Investigators will conduct the investigation. However, they may seek investigative assistance from the other agencies.
- (c) The Primary Agency or the crime scene unit of another jurisdiction may be called upon for assistance at the discretion of the Lead Incident Investigators.
- (d) In Incidents where a vehicular collision or other vehicular movement is involved, or it is determined that the California Highway Patrol's participation would be beneficial to the investigation (ie: scene diagrams), CHP may be called upon for investigatory assistance in those phases of the Incident Investigation.

Until an agreement regarding investigative responsibility is reached among the various Involved Agencies in a specific case, immediate investigative responsibility is determined in this order:

- (a) The Primary Agency.
- (a) The Employing Agency of the officer involved.
- (a) The agency within whose jurisdiction the victim's body was first discovered after infliction of the injury.

If an on duty peace officer is involved in an Incident within the geographical jurisdiction of another agency, but was acting in the performance of his/her duties in connection with a criminal matter originating in his/her own jurisdiction, the Primary Agency may defer its investigative authority to the officer's own agency, which will then investigate the Incident as if it were the Primary Agency.

#### **305.4.1 ROLE OF THE DISTRICT ATTORNEY**

During an Incident Investigation the District Attorney should:

1. Participate as a co-lead investigating agency in the CIRT investigation with the Primary and Employer Agencies and with assisting LEA(s), unless an agreement has been reached otherwise.
2. The District Attorney may assign a Deputy District Attorney to the CIRT team to assist and advise the Incident Investigators on the various complex legal issues, rules of evidence, and search warrant review.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

3. When deemed necessary, perform an independent investigation, separate from that of the CIRT Investigation. The District Attorney will notify the Primary Agency if an independent investigation is being conducted, unless such notification would compromise the integrity of the independent investigation.

a. A District Attorney Investigator assigned to participate as an Incident Investigator, assisting or teamed with a Primary Agency Incident Investigator, will not be a member or participant of an independent District Attorney investigation unless there is no conflict between the two roles and Primary Agency is notified of such a dual role.

4. Ultimately determine if criminal liability exists.

5. Upon completion of the CIRT Investigation, analyze the facts of the incident and apply the relevant law to determine whether or not criminal laws were violated. The District Attorney will decide to prosecute or decline to prosecute as appropriate. **ALL CIRT INVESTIGATIONS SHALL BE SUBMITTED TO THE DISTRICT ATTORNEY FOR REVIEW.**

6. The District Attorney's Office has its own separate investigative authority and may perform independent investigations of incidents, separate from CIRT or any other investigations, when deemed appropriate by the District Attorney or his/her designee.

7. The District Attorney shall prepare a written summary, within sixty (60) days of receiving the completed investigation, which states whether or not any violations of the criminal law occurred in the incident and whether or not any criminal charges will be filed.

#### 305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

This protocol is intended as an interagency guideline for Incident Investigations (as defined on page 1) of Officer Involved Incidents. This protocol is not intended to address issues concerning the administrative investigation of the incident.

- (a) The administrative investigation is the function of the agency employing the involved officer and will include administrative and non-criminal matters that are not within the scope of the Incident Investigation.
- (a) At the onset of the investigation of an incident, there must be an immediate and clearly defined distinction between the Incident Investigation and the Administrative Investigation.
- (a) The agency employing the involved officer, whether it is the Primary Agency or not, has an interest in the outcome of the Incident Investigation and may utilize the results of that investigation for its own non criminal purposes (e.g., determination of possible

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

violations of departmental regulations, establishing suitability for duty, training for use in civil suits or administrative claims brought by or against the agency).

In addition to all other investigations associated with an officer involved shooting or death, this department will conduct an internal administrative investigation of HCSO deputies to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs Administrative Lieutenant and will be considered a confidential deputy file. Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any deputy involved in a shooting or death may be requested to 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 police 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 unreasonable 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(g)).
  - 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 Garity 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 the statement cannot be used criminally.
  - 5. The internal Affairs shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

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.

#### **305.5 INTERVIEWS WITH PEACE OFFICER AND CUSTODIAL OFFICER EMPLOYEES**

Interview times will be addressed by the Lead Incident Investigators and the involved officers and/ or their legal representatives. In an effort to get the most accurate statement from the involved officer, the officer can be provided with some recovery time prior to a detailed interview.

The Lead Incident Investigators will determine who will participate in the interview of any involved officer(s) or witnesses and where the interview(s) will take place. The maximum amount of investigators conducting the interviews will be two.

- (a) Before being interviewed an officer should be given the opportunity to walk-through and revisit the scene after the evidence has been removed.
- (a) Interviews of the officer(s) involved or witnesses to an Incident should be video and audio recorded.
- (a) The assigned Lead Incident Investigators and Employing Agency representative, if not physically present during the interview, will be permitted to monitor the interview or have immediate access to any recording made of the interview.
- (a) The Employing Agency will determine if the involved officers can review any video or audio of the incident prior to or during the interview.

If, prior to or during the interview, it is deemed that the involved Officer may be charged with a criminal offense, and the interview becomes custodial, the officer shall be immediately informed of his/her constitutional rights pursuant to the Miranda Decision.

To ensure the voluntariness of an interview with an involved officer, that has not reached the level of a custodial interrogation, the Incident Investigator may wish to advise him/her as follows:

1. The Involved Officer is not in custody and is free to leave the interview.
2. The Involved Officer is not obligated to answer incriminating questions, and answers that are given may be used against him/her in court.

The Involved Officer may consult with a representative prior to being questioned by the Incident Investigators. Some or all of these considerations may be applicable:

- (a) The consultation should not be allowed to materially impede the investigation.
- (a) The representative should be permitted to consult with only one involved officer at a time.
- (a) To ensure the integrity of each interview, it is important that statements about the incident not be relayed through such representatives; rather, the Involved Officer and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

other Officer witnesses should answer the questions directly even if they need to consult with their representative prior to answering.

A Police Psychologist shall be provided by the Office to each involved deputy, or any other deputy, upon request.

1. Interview with a license psychologist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
2. An interview or session with a licensed psychologist 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 psychologist prior to providing a formal interview or report.

The Agency of jurisdiction holds the right to send each involved deputy for a fitness for duty evaluation at a Police Psychologist.

#### 305.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved HCSO 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 AUTOPSY

The lead investigator will assign a CIRT investigator to the body to ensure chain of evidence. That CIRT investigator will be assigned to the Deputy Coroner for transport of the body to the Coroner's office. At least one of the Lead Incident Investigators shall attend the autopsy with the assigned CIRT Investigator. A member of the District Attorney's staff may also be present.

1. The Incident Investigators (evidence collection team) have the responsibility for the collection and documentation of physical evidence at the autopsy.

The Forensic Pathologist should receive a full and complete briefing prior to the post mortem examination. The briefing should include all relevant information available at that time which may tend to aid in determining cause, manner and means of the decedent's death. The Incident Investigator(s) and a member of the evidence collection team should be present at the briefing.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

#### 305.5.3 MEDIA RELATIONS

A representative of the Primary Agency is in the best position to comment about the facts of the case and the progress of the investigation. When multiple agencies are involved or have knowledge of an Incident, the following information release guidelines should be followed:

- (a) The Primary Agency will assign a particular individual to be the sole contact with the news media to manage the release of information and to minimize interruptions to incident investigators. If this is not feasible, a particular job assignment (e.g., Watch Commander) should be designated. This contact will keep the Employing Agencies informed of all information that will be distributed prior to a release to the media.
- (b) If Lead Incident Investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.
- (c) Agencies and individuals that are not well informed and intimately involved with the investigation's results and progress should not make statements to the press. As in all other instances, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.
- (d) The interest of the public's right to know what occurred must be balanced with the requirements of the investigation and with the right of the accused to receive a fair trial.

Other agencies may also be contacted by the news media for information about the Incident, including:

#### The Employing Agency

1. If the Employing Agency is not also the Primary Agency, it should coordinate any information release with the Primary Agency and limit its comments to the following areas:

- a. The employer employee relationship, however, the names of the involved officer(s) will not be released until 48 hours after the incident to allow time for appropriate notifications to be made.
- b. Information which has been cleared for release by the Primary Agency.

#### The Sheriff - Coroner's Office

Information obtained from the Incident Investigators or from the Involved Agencies will not be released by the Sheriff Coroner's Office without prior clearance from those agencies. Release of information will generally be limited to the following:

- 1. Name of the decedent, autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information. The Sheriff Coroner's Office will not release any further information to the media where there is a pending criminal prosecution.
- 2. The general role of the Sheriff Coroner's Office in the investigation of any death.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

#### 305.5.4 ACCESS TO REPORTS AND EVIDENCE

Material created or collected by the Primary Agency's Incident Investigators, as well as by any other assisting agencies, will be made available in a timely manner to those agencies which have a "need to know" and which are legally authorized to receive the information. The material may include:

1. Reports written and collected.

- (a) Physical evidence obtained.
- (a) Photographs and diagrams.
- (a) Recordings.

The agencies with an interest in the Incident Investigation may include:

- (a) The District Attorney
- (a) Investigating agencies.
- (a) The employer of any Involved Officer.
- (a) The Crime Laboratory.
- (a) The Coroner's Office

The District Attorney shall receive a summary (written or verbal) every 30 days regarding all CIRT investigation and findings. As a guideline, the District Attorney should receive the CIRT investigation and findings 90 days after the critical incident.

#### 305.5.5 NOTIFICATION

Any member agency that is the Agency of Jurisdiction, may invoke this protocol. In doing so, that agency is responsible for contacting the dispatch centers for the appropriate CIRT members. The responding CIRT team should consist of an investigator from the District Attorney's office, (for the purpose of those duties as outlined in section D) and at least one other agency who has a member on the regular CIRT team list. The Agency of Jurisdiction should provide the following information to the appropriate dispatch centers that will be contacting the CIRT team:

- (a) The agency making the request for assistance.
- (b) The location of the staging area for the CIRT team.
- (c) The general nature of the incident.
- (d) Any specialized equipment or resources that the CIRT team may need to bring with them.
- (e) Any officer safety information that the CIRT team members should have while responding to the staging area.

#### **CIRT Response**

When notified, the CIRT team members will respond to the designated staging area and contact the Incident Commander or Officer in Charge. The scope and level of involvement of the CIRT team will be determined by the Agency of Jurisdiction.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

#### **Departmental Internal or Administrative Investigations**

Each agency that has an officer involved in the Critical Incident will be individually responsible for conducting its own Administrative Investigation if they deem appropriate. Those agencies whose officers were directly involved in the Critical Incident will be provided copies of the CIRT team reports upon request to the Agency of Jurisdiction.

#### **305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE**

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

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

## Firearms

### 306.1 PURPOSE AND SCOPE

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

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

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

### 306.2 POLICY

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

#### 306.2.1 DUTY WEAPONS

The authorized departmental issued handgun is the Glock 17 9MM, Glock 21..45 caliber, Glock 22 .40 caliber, Glock 23, .40 caliber or Sig Sauer P226 .40caliber. Or as authorized by the Sheriff.

#### 306.2.2 AUTHORIZED SECONDARY FIREARM

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

- (a) The firearm shall be in good working order and approved by the Sheriff and Head Rangemaster.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (d) The firearm 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.
- (e) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Sheriff shall approve the ammunition.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Deputies must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

#### 306.2.3 AUTHORIZED OFF-DUTY FIREARM

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 may choose to carry their issued duty firearm while off-duty, or other firearms as approved by the Sheriff and Head Rangemaster. Off-duty weapons will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the deputy to submit the firearm to the Rangemaster for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (e) Prior to carrying any off-duty firearm, the deputy shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The deputy will successfully qualify with the firearm prior to it being carried and thereafter once every 12 months. The range qualification dates will be specified by the Rangemaster.
- (g) A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster.
- (h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the deputy meets all the requirements set forth in this policy for each firearm used.
- (i) Deputies shall only carry authorized ammunition approved by the Head Rangemaster.
- (j) When armed, whether on or off-duty, deputies shall carry their badge and department identification.

#### 306.2.4 AMMUNITION

Deputies shall carry only department-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during qualification each 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.

#### 306.2.5 ALCOHOL AND DRUGS

Firearms 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Firearms

---

#### 306.2.6 LASER SIGHTS

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

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the deputy shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, 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.

#### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Sheriff and have been thoroughly inspected by the Head 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.

##### 306.3.1 SHOTGUNS

The authorized department-issued shotgun is the Remington, model-870, 12 Ga. The following additional shotguns are approved for on-duty use:

| MAKE     | MODEL    | CALIBER |
|----------|----------|---------|
| Benelli  | M-1/ M-4 | 12Ga.   |
| Mossberg | 500      | 12 Ga.  |

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

##### 306.3.2 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt AR-15. Other rifles may be used if approved by the Sheriff and Head Rangemaster.

| MAKE | MODEL | CALIBER |
|------|-------|---------|
|      |       |         |
|      |       |         |

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

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

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

#### 306.3.3 PERSONALLY OWNED DUTY FIREARMS

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 Head 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 Head Rangemaster, who will maintain a list of the information.

#### 306.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved by the Sheriff and Head Rangemaster. Only one secondary handgun may be carried at a time.
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun shall be inspected by the Head Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

- (e) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.
- (f) Prior to carrying the secondary handgun, 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 handgun functions properly.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Head Rangemaster, who will maintain a list of the information.

#### **306.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify annually with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The Head Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Coordinator. In addition to regular qualification schedules, the Head Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

##### **306.4.1 REPAIRS OR MODIFICATIONS**

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

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Head Rangemaster.

##### **306.4.2 HOLSTERS**

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.

##### **306.4.3 TACTICAL LIGHTS**

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



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

#### **306.5 SAFE HANDLING, INSPECTION AND STORAGE**

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 Head Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Head 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, 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 Head Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Head Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

##### **306.5.1 INSPECTION AND STORAGE**

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

Personally owned and department issued firearms may be safely stored in lockers at the end of the shift. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

#### 306.5.2 STORAGE AT HOME

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

#### 306.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container 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 § 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).

### **306.6 FIREARM DISCHARGE**

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

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.

#### 306.6.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

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, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

#### **306.6.2 INJURED ANIMALS**

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. Absent extenuating circumstances, injured dogs and cats found without their owners should be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

#### **306.6.3 WARNING AND OTHER SHOTS**

Generally, 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.

Warning shots should not be used.

### **306.7 HEAD RANGEMASTER DUTIES**

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

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

The Head Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Head 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 Head Rangemaster.

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

The Head Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Firearms

---

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.

#### **306.8 FLYING WHILE ARMED**

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Humboldt County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, 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 Humboldt 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 Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Firearms*

---

#### 306.8.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

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

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

#### **306.9 CARRYING FIREARMS OUT OF STATE**

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

- (a) The deputy shall carry his/her Humboldt 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.

## Deputy Response to Calls

### 308.1 PURPOSE AND SCOPE

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

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

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 Emergency Communications Center.

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

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

#### 308.3.1 NUMBER OF UNITS ASSIGNED

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

### 308.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Emergency Communications Center. Should another deputy believe a Code-3 response is appropriate, Emergency Communications Center shall be notified and the Watch Supervisor or field supervisor will make a determination as to whether one or more deputies driving Code-3 is appropriate.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Deputy Response to Calls*

---

#### **308.5 RESPONSIBILITIES OF RESPONDING DEPUTIES**

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 Emergency Communications Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

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

#### **308.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall assign a Code-3 response 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. In all other circumstances, the dispatcher shall obtain authorization from the Watch Supervisor 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 Watch Supervisor
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Supervisor or field supervisor

#### **308.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Watch Supervisor 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,

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Deputy Response to Calls*

---

the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

When making the decision to authorize a Code-3 response, the Watch Supervisor 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**

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 Watch Supervisor, field supervisor, or Emergency Communications Center of the equipment failure so that another unit may be assigned to the emergency response.



## Domestic Violence

### 309.1 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.

#### 309.1.1 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.

### 309.2 POLICY

The Humboldt 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.

### 309.3 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.

### 309.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Major Crimes Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

#### **309.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies should:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

- (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.

#### **309.4.2 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.

#### **309.4.3 ARRESTING DEPUTIES' RESPONSIBILITIES REGARDING FIREARMS**

If a suspect is arrested, deputies shall (Penal Code § 273.76):

- (a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
  - 1. The investigating or filing deputy shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
- (b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
- (c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.
- (d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

#### **309.5 VICTIM ASSISTANCE**

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

- (d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

A deputy shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

#### **309.6 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.

#### **309.7 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).

#### **309.8 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

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.

### **309.9 STANDARDS FOR ARRESTS**

Deputies investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
  - 1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
  - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
  - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
  - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
  - 4. Penal Code § 646.9 (stalking)
  - 5. Other serious or violent felonies specified in Penal Code § 1270.1

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

- (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).

#### **309.10 REPORTS AND RECORDS**

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

#### **309.11 RECORD-KEEPING AND DATA COLLECTION**

This office shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

#### **309.12 SERVICE OF COURT ORDERS**

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
  - 1. A deputy should ensure that the Records Division is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Division Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

#### **309.13 PUBLIC ACCESS TO POLICY**

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

#### **309.14 DECLARATION IN SUPPORT OF BAIL INCREASE**

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Domestic Violence*

---

#### **309.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM**

This office should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).



## Search and Seizure

### 310.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Humboldt County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 310.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 310.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Search and Seizure*

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#### **310.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
  1. Another deputy or a supervisor should witness the search.
  2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **310.5 DOCUMENTATION**

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

## Temporary Custody of Juveniles

### 311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Humboldt 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.

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

**Safety checks** - Direct, visual observation personally by a member of this office performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

#### **311.2 POLICY**

The Humboldt 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 Humboldt County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

#### **311.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Humboldt 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 Watch Supervisor. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

These juveniles should not be held at the Humboldt 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).

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

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Supervisor shall be notified of the need for medical attention for the juvenile. Office members should administer first aid as applicable (15 CCR 1142).

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

Office members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

#### **311.4 CUSTODY OF JUVENILES**

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Humboldt 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 Humboldt County Sheriff's Office without authorization of the arresting deputy's supervisor or the Watch Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Humboldt County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Humboldt County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

#### 311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

#### 311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Humboldt County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Office.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

#### **311.5 ADVISEMENTS**

Deputies shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

#### **311.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Humboldt County Sheriff's Office (15 CCR 1150).
- (c) Watch Supervisor 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.
- (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 Watch Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

#### **311.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Humboldt 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).

#### **311.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Humboldt County Sheriff's Office shall ensure the following:

- (a) The Watch Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Humboldt County Sheriff's Office more than four hours. This will enable the Watch Supervisor to ensure no juvenile is held at the Humboldt County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

#### **311.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Humboldt 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 Watch Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

#### **311.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Humboldt County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Humboldt County Sheriff's Office.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

#### **311.11 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

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).

##### **311.11.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

---

- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **311.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

The Watch Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Humboldt County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff, and Major Crimes 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 (BSCC) within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths pursuant to 15 CCR 1046.
  - 1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).
- (i) Evidence preservation.

##### **311.12.1 IN-CUSTODY DEATH PUBLICATION**

The Sheriff or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the office website as prescribed and within the time frames provided in Penal Code § 10008.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

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#### **311.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

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 (Welfare and Institutions Code § 625.6).

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by a deputy during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

- (a) Information is necessary to protect life or property from an imminent threat.
  - 1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

##### **311.13.1 MANDATORY RECORDINGS OF JUVENILES**

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a office facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Custody of Juveniles*

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- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

#### **311.14 FORMAL BOOKING**

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in the supervisor's absence, the Watch Supervisor.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Supervisor or the Major Crimes Division 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

#### **311.15 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Major Crimes Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

#### **311.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Field Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Humboldt County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

#### **311.17 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

#### **311.18 TRAINING**

Office members should be trained on and familiar with this policy and any supplemental procedures.

## Senior and Disability Victimization

### 312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Humboldt County Sheriff's Office members as required by law (Penal Code § 368.6).

The Humboldt 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).

#### 312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Dependent adult** - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

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

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

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

#### **312.2 POLICY**

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

##### **312.2.1 ARREST POLICY**

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

##### **312.2.2 ADHERENCE TO POLICY**

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

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

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

#### **312.3 INVESTIGATIONS AND REPORTING**

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

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

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

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

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

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

#### **312.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS**

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

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

#### **312.4 QUALIFIED INVESTIGATORS**

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

#### **312.5 MANDATORY NOTIFICATION**

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

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

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
  - 1. When a report of abuse is received by the Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code § 15640(b)).
- (i) When the Office receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Major Crimes Division supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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

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

#### 312.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

#### **312.6 PROTECTIVE CUSTODY**

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

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

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

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

##### **312.6.1 EMERGENCY PROTECTIVE ORDERS**

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

##### **312.6.2 VERIFICATION OF PROTECTIVE ORDER**

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

- (a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with office procedures.

### **312.7 INTERVIEWS**

#### **312.7.1 PRELIMINARY INTERVIEWS**

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

#### **312.7.2 DETAINING VICTIMS FOR INTERVIEWS**

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

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

#### **312.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS**

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

### **312.8 MEDICAL EXAMINATIONS**

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

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

#### **312.9 DRUG-ENDANGERED VICTIMS**

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

##### **312.9.1 SUPERVISOR RESPONSIBILITIES**

The Major Crimes Division supervisor should:

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

##### **312.9.2 DEPUTY RESPONSIBILITIES**

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

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

#### **312.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### **312.10.1 RECORDS DIVISION RESPONSIBILITIES**

The Records Division is responsible for:

- (a) Providing a copy of the 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 adult abuse report with the initial case file.

#### **312.11 TRAINING**

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

- (a) Participating in multidisciplinary investigations, as appropriate.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

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

#### **312.11.1 MANDATORY TRAINING**

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

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

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

#### **312.12 SHERIFF RESPONSIBILITIES**

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

- (a) Taking leadership within the Office and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of office support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including office protocols in this policy, including but not limited to the following:
  - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
    - (a) In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    - (b) In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    - (c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
    - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
  3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each office protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Office responsible for implementing the protocol.
  - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
  - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
  - (f) Ensuring that all members carry out their responsibilities under this policy.
  - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.
  - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

#### **312.13 ELDER AND DEPENDENT ADULT ABUSE LIAISON**

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



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Senior and Disability Victimization*

---

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

# **Discriminatory Harassment**

## **313.1 PURPOSE AND SCOPE**

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## **313.2 POLICY**

The Humboldt 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.

## **313.3 DEFINITIONS**

Definitions related to this policy include:

### **313.3.1 DISCRIMINATION**

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Discriminatory Harassment*

---

#### 313.3.2 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### 313.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### 313.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **313.4 RESPONSIBILITIES**

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 Personnel 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Discriminatory Harassment*

---

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **313.4.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Personnel 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.

#### **313.4.2 SUPERVISOR'S ROLE**

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.

#### **313.4.3 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Personnel Director, the County Administrative Officer, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### **313.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Discriminatory Harassment*

---

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.

#### **313.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **313.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Personnel Director, or the County Administrative Officer.

#### **313.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **313.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Administrative Officer, or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the office's established records retention schedule.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Discriminatory Harassment*

---

#### 313.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

#### **313.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

#### 313.7.1 STATE-REQUIRED TRAINING

The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

#### 313.7.2 TRAINING RECORDS

The Training Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

#### **313.8 WORKING CONDITIONS**

The Administration 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Discriminatory Harassment*

---

#### **313.9 REQUIRED POSTERS**

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

## Child Abuse

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Humboldt County Sheriff's Office members are required to notify the county Child Welfare Services (CWS) of suspected child abuse.

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

**CANRA - Child Abuse and Neglect Reporting Act (Penal Code 1164 et seq.)**

**CANRA Coordinator** - The investigator or Detective assigned to supervise all Humboldt County Sheriff Office investigations involving child abuse.

**CAST - Child Abuse Services Team**

### 314.2 POLICY

The Humboldt County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CWS is notified as required by law.

### 314.3 MANDATORY NOTIFICATION

The Humboldt County Sheriff's Office shall notify (cross report to CWS) Child Welfare Services 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.
- (c) The Sheriff's Office shall ensure that every single report and cross report is promptly assigned a deputy, an investigation is conducted, and if the circumstances require, a criminal report completed. If the investigation shows that the report does not meet the criteria for child abuse or neglect as defined in CANRA (Penal Code 1164 et seq) the deputy may document the call for service in RIMS absent a formal case number with a brief explanation as to why the call for service was closed without further action.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this office. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166). Reports based on risk to a child which relate solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse should not be reported to the District Attorney (penal code 11165.13).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

#### **314.3.1 NOTIFICATION PROCEDURE**

Notification to Child Welfare Services should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone by the investigating deputy.
- (b) A written follow-up report shall be forwarded electronically within 36 hours of receiving the information concerning the incident.

Notification to the District Attorney's Office shall occur as follows (Penal Code 11166)

- a. Notifications shall be made immediately, or as soon as practical, by tele;phone, fax, or electronic transmission.
- b. A written follow-up report shall be forwarded within 36 hours of receiving the information concerning the incident.

#### **314.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

- (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).

#### **314.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (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).

##### **314.5.1 EXTRA JURISDICTIONAL REPORTS**

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, office members shall ensure that the caller is immediately transferred

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

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).

#### **314.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER**

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

#### **314.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CWS as discussed in section 330.5 above.. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this 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 CWS

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  2. There is no lawful custodian available to take custody of the child.
  3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CWS unless otherwise directed by court order.

#### **314.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW**

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CWS

#### **314.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS**

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

### **314.7 INTERVIEWS**

#### **314.7.1 PRELIMINARY INTERVIEWS**

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

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

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

#### **314.7.3 INTERVIEWS AT A SCHOOL**

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

#### **314.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **314.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **314.9.1 SUPERVISOR RESPONSIBILITIES**

The Major Crimes Division supervisor should:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Major Crimes Division 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.

#### 314.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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

#### **314.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### 314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

##### 314.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

##### 314.10.3 CACI HEARING OFFICER

The Criminal Investigations Division 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

#### **314.10.4 CACI HEARING PROCEDURES**

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

#### **314.10.5 CHILD DEATH REVIEW TEAM**

This office shall 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).

#### **314.11 TRAINING**

The Office shall provide formal training (formal child abuse training) on best practices in child abuse investigations to personnel involved in these cases. This training shall be provided on an annual basis. Refresher training shall be provided bi-annually in the form of Briefing refresher Training (BRT). New deputies shall complete the training as part of their 4-month Field Training Program and lateral transfers shall be provided such training during the Field Training Program. Any new personnel shall be required to attend such training within 30 days of hire. Training participation shall be tracked. members tasked with investigating these cases. The training should include:

- (a) Requirements of CANRA and other laws pertaining to child abuse, including the legal obligations of the Sheriff's Office and confidentiality requirements.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child Abuse*

---

- (b) Departmental policies and procedures related to CANRA.
- (c) Participating in multidisciplinary investigations as appropriate.
- (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.

#### **314.12 CAST REFERRAL FORM**

Purpose: The purpose of the CAST Referral Form (HCSO 0538.1) is to make expeditious notification to the Major Crimes Division (MCD) on matter in need of referral to the Child Abuse Services Team (CAST). The CAST referral form will allow for timely and non-conflicting scheduling of interviews to those individuals being referred.

#### **314.13 CAST REFERRAL PROCEDURE**

When a Deputy wishes to have a CAST interview completed for an individual, they will:

- (a) Explain the CAST process to the parent/guardian of the child to be interviewed, and a referral for a CAST interview will be completed. Obtain dates and times the parent/guardian will be available and document on the CAST Referral Form. Notify the parent/guardian that they will receive a telephone call with the date and time to attend the CAST interview.
- (b) Complete the CAST Referral Form and send it via email to recipient "Sheriff MCD" and put a paper copy in the door mailbox of the MCD Supervisor.
- (c) Upon receipt of the CAST Referral Form, the MCD Supervisor, or designee, will evaluate the availability to staff to schedule and attend the CAST interview.
- (d) If MCD is unable to schedule and attend the CAST interview, the referral will be returned to the investigating Deputy or that Deputy's supervisor. It will then be that investigating Deputy or supervisor's designee to schedule and attend the CAST interview.



## Missing Persons

### 315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**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 their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

### 315.2 POLICY

The Humboldt 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 Humboldt 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).

### 315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Major Crimes 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Missing Persons*

---

- 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

#### **315.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

#### **315.5 INITIAL INVESTIGATION**

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call 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 (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:
  1. A photograph and a fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Missing Persons*

---

3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, 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.

#### **315.6 REPORT PROCEDURES AND ROUTING**

Employees shall complete all missing person forms promptly, routing them as appropriate, and shall contact a supervisor to notify them the report was made. Absent exigent or extenuating circumstances, Missing Person Reports shall not be approved to pend and should be completed the date the report was taken. Additionally, if the missing person report is suspicious in nature or has indications of foul play, a notification to the Major Crimes Division shall be made immediately.

##### **315.6.1 SUPERVISOR RESPONSIBILITIES**

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

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the Records Division.
- (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.
- (g) Notification to Major Crimes Division and Administration if the case is suspicious in nature or has indications of foul play.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

##### **315.6.2 RECORDS DIVISION RESPONSIBILITIES**

The responsibilities of the receiving member shall include but are not limited to:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Missing Persons*

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- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Major Crimes Division.
- (e) Coordinating 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).

#### **315.7 MAJOR CRIMES DIVISION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's 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 party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Deputy 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Missing Persons*

---

- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **315.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records 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.

##### **315.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

##### **315.8.2 CONFIRMATION OF RETURN**

When a missing person is located, the deputy preparing the found person report shall confirm the identity of the found person, check their welfare, and notify the shift supervisor as soon as practical. Deputies shall not use phone calls, emails, texts, social media, etc. to confirm the found person's return or to confirm the found person's identity. Deputies are required to physically see the found person, either in person or through live video chat services before writing a found person report. Additionally, deputies shall ask the found person if he/she was the victim of any crime. If so, deputies shall take appropriate law enforcement action and document the details of the crime.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Missing Persons*

---

in a separate incident report and list the found person incident report number as a related case. All reports shall be forwarded to the Criminal Investigations Division to ensure tracking.

#### **315.8.3 OUT OF AGENCY RETURNS**

If a missing person is located by an agency other than the HCSO, deputies shall contact the locating agency and complete a supplemental report documenting the details of the return. Documentation of the return shall be forwarded to the Criminal Investigations Division to ensure tracking.

#### **315.9 CASE CLOSURE**

The Major Crimes Division 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 Humboldt County Sheriff's Office 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.

#### **315.10 TRAINING**

Subject to available resources, the Training Sergeant 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Missing Persons*

---

- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### 316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 316.3 RESPONSIBILITIES

#### 316.3.1 MEMBER RESPONSIBILITIES

Members of the Humboldt County Sheriff's Office should notify their supervisor, Watch Supervisor, or Major Crimes Division 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.

#### 316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

### 316.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

#### 316.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

#### **316.4.2 PROCEDURE FOR AMBER ALERT**

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Office Emergency Communications Center so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office
  - 2. National Center for Missing and Exploited Children (NCMEC)

#### **316.5 BLUE ALERTS**

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

#### 316.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

#### 316.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle
  - 2. Photograph, description and/or identification of the suspect
  - 3. The suspect's identity, age and description, if known
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  - 2. The FBI local office

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

#### **316.6 SILVER ALERTS**

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

##### **316.6.1 CRITERIA FOR SILVER ALERTS**

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The office has utilized all available local resources.
- (c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that 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.

##### **316.6.2 PROCEDURE FOR SILVER ALERT**

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

#### **316.7 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Office emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Supervisor or Major Crimes Division Supervisor elects to use the services of the Sheriff's Office, the following will apply:

- (a) Notify the Sheriff's Office Watch Supervisor of the incident and the request for assistance. The Watch Supervisor will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Office Watch Supervisor.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Office will be referred back to this office.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

The Humboldt County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff's Office 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.

#### **316.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

##### **316.8.1 CRITERIA**

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.

##### **316.8.2 PROCEDURE**

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

#### **316.9 YELLOW ALERT**

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the office has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

##### **316.9.1 CRITERIA FOR YELLOW ALERT**

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The office has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
  - 1. The complete license plate number of the suspect's vehicle.
  - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
  - 3. The identity of a suspect.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

#### 316.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

#### **316.10 FEATHER ALERT**

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Office (Government Code § 8594.13).

##### 316.10.1 CRITERIA FOR FEATHER ALERT

The Office may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

- (a) The missing person is an Indigenous person.
- (b) The Office has utilized local and tribal resources.
- (c) The investigating deputy has determined the person is missing.
- (d) The investigating deputy or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
  1. The missing person's physical safety may be endangered.
  2. The missing person may be subject to trafficking.
  3. The missing person suffers from a mental or physical disability, or substance use disorder.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

##### 316.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

#### **316.11 ENDANGERED MISSING ADVISORY**

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

#### **316.11.1 CRITERIA FOR ENDANGERED MISSING ADVISORY**

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Office has utilized all available local resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### **316.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES**

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

#### **316.12 EBONY ALERT**

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

#### **316.12.1 CRITERIA FOR EBONY ALERT**

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Office has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Alerts*

---

#### 316.12.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

#### **316.13 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES**

In the event of an emergency, as defined in Government Code § 7299.7, the Humboldt County Sheriff's Office shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

## Victim and Witness Assistance

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 317.2 POLICY

The Humboldt County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Humboldt 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.

### 317.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Office to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Humboldt 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.

#### 317.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
  1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Humboldt County Sheriff's Office jurisdiction (Penal Code § 680.2).



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Victim and Witness Assistance*

---

- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
  - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Office, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

#### **317.4 CRIME VICTIMS**

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

##### **317.4.1 EXCEPTION**

If prior to the request, copies of the report(s) have been sent to the District Attorney's Office by Records staff, then personnel at the local Victim's Center will contact the District Attorney's Office for a copy of the report(s).

##### **317.4.2 VICTIMS OF HUMAN TRAFFICKING**

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

#### **317.5 VICTIM INFORMATION**

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Victim and Witness Assistance*

---

- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (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).

#### **317.6 WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

## Hate Crimes

### 318.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Humboldt County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

#### 318.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
  - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Religious bias** - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

#### **318.2 POLICY**

It is the policy of this office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

#### **318.3 PLANNING AND PREVENTION**

In order to facilitate the guidelines contained within this policy, office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

##### **318.3.1 HATE CRIMES COORDINATOR**

A office member appointed by the Sheriff or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the office's concern over hate crimes and related incidents; reducing the potential for counter-

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

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, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Sergeant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to deputies in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Division for mandated reporting to the California Department of Justice.
  - 1. Ensure the California Department of Justice crime data is posted monthly on the office website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the office Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Division Policy.
- (m) Maintaining the office's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
2. Analysis of the office's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

#### **318.3.2 RELEASE OF INFORMATION**

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

#### **318.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

##### **318.4.1 INITIAL RESPONSE**

First responding deputies should know the role of all office personnel as they relate to the office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
  - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
  - 1. Hate literature.
  - 2. Spray paint cans.
  - 3. Threatening letters.
  - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
  - 1. Identity of suspected perpetrators.
  - 2. Identity of witnesses, including those no longer at the scene.
  - 3. The offer of victim confidentiality per Government Code § 7923.615.
  - 4. Prior occurrences in this area or with this victim.
  - 5. Statements made by suspects; exact wording is critical.
  - 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

#### 318.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
  - 1. Hate literature.
  - 2. Spray paint cans.
  - 3. Threatening letters.
  - 4. Symbols used by hate groups.
  - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
  - 1. Identity of suspected perpetrators.
  - 2. Identity of witnesses, including those no longer at the scene.
  - 3. Offer of victim confidentiality per Government Code § 7923.615.
  - 4. Prior occurrences, in this area or with this victim.
  - 5. Statements made by suspects; exact wording is critical.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
  1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
  2. Provide ongoing information to victims about the status of the criminal investigation.
  3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

#### 318.4.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
  1. Expressing the office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  2. Expressing the office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
  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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

---

- (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.

### **318.5 TRAINING**

All members of this office will receive POST-approved training on hate crime recognition and investigation (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.
- (d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

### **318.6 APPENDIX**

See attachments:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hate Crimes*

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[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

## Standards of Conduct

### **319.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Humboldt 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.

### **319.2 POLICY**

The continued employment or appointment of every member of the Humboldt County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### **319.3 DIRECTIVES AND ORDERS**

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.

#### **319.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or 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 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Standards of Conduct*

---

#### **319.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### **319.4 GENERAL STANDARDS**

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.

#### **319.5 CAUSES FOR DISCIPLINE**

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:

##### **319.5.1 LAWS, RULES AND ORDERS**

- (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, rules or regulations.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Standards of Conduct*

---

#### 319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Humboldt County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.
- (b) 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.
- (c) 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 work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 319.5.4 RELATIONSHIPS

- (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).



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Standards of Conduct*

---

#### 319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

#### 319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office.
  - (a) Members of this office shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

#### 319.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Standards of Conduct*

---

- (g) Failure to possess valid POST certification to exercise the powers of a peace officer in the State of California

#### 319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or 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 office related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on office premises.
  - 2. At any work site, while on duty or while in uniform, or while using any office equipment or system.
  - 3. Gambling activity undertaken as part of a deputy official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on office property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (i) Any act on or off duty that brings discredit to this office.

#### 319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Standards of Conduct*

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

#### 319.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Standards of Conduct*

---

- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

## Disposal of Media

### 320.1 PURPOSE

The purpose of this policy is to outline the proper disposal of media (physical or electronic) for the Humboldt County Sheriff's Office. These rules are in place to protect sensitive and classified information, employees and the Humboldt County Sheriff's Office. Inappropriate disposal of Humboldt County Sheriff's Office, the FBI Criminal Justice Information (CJI) and media may put employees of the Humboldt County Sheriff's Office and the FBI at risk.

### 320.2 SCOPE

This policy applies to all employees, County IT employees, contractors, volunteer staff, and other workers at the Humboldt County Sheriff's Office with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by the Humboldt County Sheriff's Office.

### 320.3 POLICY

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by the Humboldt County Sheriff's Office in coordination with the County IT Department.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

1. CD's and DVD'S shall be placed in locked shredding bins for shred company to come on-site and shred, witnessed by Department personnel throughout the entire process.

Electronic media (computers, tablets, hard-drives, tape cartridge, printer ribbons, flash drives, printer and copier Hard-drives, etc.) Shall be disposed of by one of the following methods:

1. **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
2. **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
3. **Destruction** - a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Disposal of Media*

---

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from County IT's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

#### **320.4 ENFORCEMENT**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

# Information Technology Use

## 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

### 321.1.1 DEFINITIONS

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 Humboldt 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.

## 321.2 POLICY

It is the policy of the Humboldt 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.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office computer system.

The Office reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

The Office shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Office may request

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Information Technology Use*

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access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **321.4 RESTRICTED USE**

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 Watch Supervisors.

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.

IRIMS shall only be used on approved and issued Sheriff's Office personal communications devices unless otherwise approved by the Sheriff.

##### **321.4.1 SOFTWARE**

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.

##### **321.4.2 HARDWARE**

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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Information Technology Use*

---

#### **321.4.3 INTERNET USE**

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.

#### **321.4.4 OFF-DUTY USE**

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.

#### **321.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

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.

#### **321.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Information Technology Use*

---

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

### 322.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before the end of their normal scheduled work week unless permission to hold the report has been approved by a supervisor. Generally, reports on high profile incidents, reports requiring prompt follow-up action on active leads, missing person reports, and arrest reports where the suspect remains in custody should not be allowed to pend. Supervisors and/or Administrators have the ability to require that a specific report be completed by the end of the shift, based on needs of the agency and the totality of circumstances.

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.

### 322.2 REQUIRED REPORTING

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

#### 322.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Senior and Disability Victimization Policy

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Report Preparation*

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- 5. Hate Crimes Policy
- 6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

#### 322.2.2 NON-CRIMINAL ACTIVITY

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

- (a) Anytime a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force 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)
- (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

#### 322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Report Preparation*

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- (e) Found dead bodies or body parts.

#### 322.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

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

#### 322.2.5 MISCELLANEOUS INJURIES

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

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### 322.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Division shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

#### 322.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Report Preparation*

---

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

#### **322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

##### **322.3.1**

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

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

#### **322.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should take the appropriate steps in the RIMS database. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

#### **322.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division 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 Division may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

#### **322.6 ELECTRONIC SIGNATURES**

The Humboldt County Sheriff's Office has established an electronic signature procedure for use by all employees of the Humboldt County Sheriff's Office. The Field Operations Lieutenant 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.

## Media Relations

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official office information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

### 323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Watch Supervisors, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

#### 323.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) 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 comments to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

### 323.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Media Relations*

---

with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

#### **323.3.1 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

#### **323.3.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

#### **323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Supervisor. This log will generally contain the following information:

- (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



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Media Relations*

---

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 Watch Supervisor (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner'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 Watch Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

#### **323.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

#### **323.5 POLICY**

It is the policy of the Humboldt County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

#### **323.6 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of office members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

#### **323.7 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this office make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Media Relations

---

- (c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

#### **323.8 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **323.8.1 EMPLOYEE INFORMATION**

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Supervisor or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

#### **323.9 RELEASE OF INFORMATION**

The Office may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the office website or other electronic data sources.

##### **323.9.1 INFORMATION LOG**

The Office will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Supervisor.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this office, unless the release of such information would endanger the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Media Relations*

---

safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Supervisor (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Deputy Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated office media representative, the custodian of records, or if unavailable, to the Watch Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

#### 324.1.1 DEFINITIONS

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

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

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 324.2 POLICY

Humboldt County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

#### 324.2.1 SERVICE OF SUBPOENA

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

#### 324.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

#### 324.2.3 ACCEPTANCE OF SUBPOENA

- (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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Subpoenas and Court Appearances*

---

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.

#### **324.2.4 COURT STANDBY**

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

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

#### **324.2.5 FAILURE TO APPEAR**

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

### **324.3 SUBPOENAS**

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Subpoenas and Court Appearances*

---

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)).

#### **324.3.1 SPECIAL NOTIFICATION REQUIREMENTS**

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Humboldt County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Humboldt County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **324.3.2 CIVIL SUBPOENA**

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.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **324.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **324.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Subpoenas and Court Appearances*

---

#### **324.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

##### **324.5.1 COURTROOM ATTIRE**

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

#### **324.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

##### **324.6.1 TESTIMONY**

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

#### **324.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

## Reserve Deputies

### **325.1 PURPOSE AND SCOPE**

The Humboldt County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

### **325.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES**

The Humboldt 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.

#### **325.2.1 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

#### **325.2.2 APPOINTMENT**

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### **325.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES**

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular deputies.

#### **325.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES**

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### **325.3 DUTIES OF RESERVE DEPUTIES**

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Field



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Reserve Deputies*

---

Operations 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.

#### **325.3.1 POLICY COMPLIANCE**

Sheriff's reserve deputies shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

#### **325.3.2 RESERVE DEPUTY ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **325.3.3 RESERVE COORDINATOR**

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve deputy performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

### **325.4 FIELD TRAINING**

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.

#### **325.4.1 TRAINING OFFICERS**

Deputies of this department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Watch Supervisor approval.

#### **325.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Reserve Deputies*

---

#### 325.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Humboldt County Sheriff's Office. 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.

#### 325.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### 325.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy designated by the Watch Supervisor.

During Phase II of training, as with Phase I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Deputy's Field Training Manual. At the completion of Phase II of training, the reserve deputy will return to his/her primary training officer for Phase III of the training.

#### 325.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve deputy will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

#### 325.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Reserve Deputies*

---

#### **325.5 SUPERVISION OF RESERVE DEPUTIES**

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

##### **325.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Supervisor 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.

##### **325.5.2 RESERVE DEPUTY MEETINGS**

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

##### **325.5.3 IDENTIFICATION OF RESERVE DEPUTIES**

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

##### **325.5.4 UNIFORM**

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

##### **325.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Operations Division Commander.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Reserve Deputies*

---

#### 325.5.6 RESERVE DEPUTY EVALUATIONS

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.

#### 325.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during his/her assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

##### 325.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

##### 325.6.2 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed all three phases of training (as outlined in the Field Training section), 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 with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing as a Reserve Deputy with the Humboldt County Sheriff's Office.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Reserve Deputies*

---

#### **325.6.3 RESERVE DEPUTY FIREARM TRAINING**

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve deputies are required to qualify at least every other month
- (b) Reserve deputies may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve deputy fail to qualify over a two-month period, that reserve deputy will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

#### **325.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## Outside Agency Assistance

### 326.1 PURPOSE AND SCOPE

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.

### 326.2 POLICY

It is the policy of the Humboldt 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.

### 326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Supervisor'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 Watch Supervisor 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.

#### 326.3.1 INITIATED ACTIVITY

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 Humboldt County Sheriff's Office shall notify his/her supervisor or the Watch Supervisor and Emergency Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 326.4 REQUESTING OUTSIDE ASSISTANCE

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Outside Agency Assistance*

---

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **326.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a dispatch call for service (CFS).

#### **326.6 MANDATORY SHARING**

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 Administration 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 Emergency Communications Center and the Watch Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

## Registered Offender Information

### 327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Humboldt 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.

### 327.2 POLICY

It is the policy of the Humboldt 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.

### 327.3 REGISTRATION

The Major Crimes Division 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.

#### 327.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

### 327.4 MONITORING OF REGISTERED OFFENDERS

The Major Crimes Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Registered Offender Information*

---

The Major Crimes Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Humboldt County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

#### **327.5 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Humboldt County Sheriff's Office's website. Information on sex registrants placed on the Humboldt County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

##### **327.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

##### **327.5.2 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Registered Offender Information*

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

## Major Incident Notification

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

### 328.2 POLICY

The Humboldt 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.

### 328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- 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 Humboldt County Sheriff's Office official
- Arrest of a department employee or prominent Humboldt County Sheriff's Office official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

### 328.4 WATCH SUPERVISOR RESPONSIBILITY

The Watch Supervisor is responsible for making the appropriate notifications. The Watch Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Supervisor shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

#### 328.4.1 STAFF 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.

#### 328.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Major Incident Notification*

---

#### 328.4.3

#### 328.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

## Death Investigation

### 329.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

### 329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

#### 329.2.1 DEPUTY CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Deputy Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Deputy 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. This 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) Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This 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 (including suicide where the deceased has a history of being victimized by domestic violence)
- (f) Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
- (g) Deaths related to or following known or suspected self-induced or criminal abortion
- (h) Deaths associated with a known or alleged rape or crime against nature
- (i) Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration
- (k) Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
- (l) Deaths from occupational diseases or occupational hazards

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Death Investigation*

---

- (m) Deaths from 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) Deaths that occur in prison or while under sentence. This 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. This includes patients that are 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 Deputy Coroner.

#### 329.2.2 SEARCHING DEAD BODIES

- (a) The Deputy Coroner or a designee 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. If such a donor card is located, the Deputy Coroner or a designee shall be promptly notified (Government Code § 27491.3).
- (b) The Deputy Coroner, with the permission of the Office, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).
- (c) Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Deputy Coroner or a designee, the investigating deputy should first obtain verbal consent from the Deputy Coroner or a designee (Government Code § 27491.2).
- (d) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Deputy Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.
- (e) Whenever personal effects are removed from the body of the deceased by the Deputy Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 329.2.3

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Death Investigation*

---

#### **329.2.4 SUSPECTED HOMICIDE**

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### **329.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES**

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it 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)).

#### **329.2.6 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE**

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating deputies should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

### **329.3 POLICY**

It is the policy of the Humboldt County Sheriff's Office to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

### **329.4 UNIDENTIFIED DEAD BODY**

If the identity of a dead body cannot be established, the handling deputy will request from the Deputy Coroner a unique identifying number for the body. The number shall be included in any report.

### **329.5 DEATH NOTIFICATION**

When reasonably practicable, and if not handled by the Deputy Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

# Identity Theft

## 330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 330.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:
  - 1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.



## Private Persons Arrests

### 331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

### 331.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 331.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

### 331.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The deputy must include the basis of such a determination in a related report.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Private Persons Arrests*

---

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

#### **331.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

## Limited English Proficiency Services

### 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Humboldt 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).

### 332.2 POLICY

It is the policy of the Humboldt 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.

### 332.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Operations Division Commander or the authorized designee.

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

---

- (a) Coordinating and implementing all aspects of the Humboldt County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Supervisor and Emergency Communications Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **332.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

---

- (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.

#### **332.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Humboldt 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.

#### **332.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **332.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **332.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

---

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.

#### **332.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

##### **332.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

---

#### **332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **332.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Humboldt County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **332.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Emergency Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

---

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **332.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **332.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

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#### **332.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **332.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **332.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **332.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **332.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Limited English Proficiency Services*

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The Training Sergeant 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 Sergeant 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.

#### 332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

# Mandatory Employer Notification

## **333.1 PURPOSE AND SCOPE**

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

## **333.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING**

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

### **333.2.1 ARREST OF PUBLIC SCHOOL TEACHER**

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### **333.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### **333.2.3 ARREST OF PRIVATE SCHOOL TEACHER**

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

### **333.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mandatory Employer Notification*

---

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).

#### **333.3 POLICY**

The Humboldt County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

#### **333.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES**

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

## Biological Samples

### 334.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

### 334.2 POLICY

The Humboldt 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.

#### 334.2.1 ARRESTEES

Any adult arrested or charged with any felony offense is required to provide DNA samples. DNA samples should be collected immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest but in any case prior to release on bail or other physical release from custody (Penal Code § 296.1(a)(1)(A)).

### 334.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

### 334.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

#### 334.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Biological Samples*

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- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

#### **334.5 USE OF FORCE TO OBTAIN SAMPLES**

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (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.

##### **334.5.1 VIDEO RECORDING**

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

##### **334.5.2 CELL EXTRACTIONS**

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Office for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

#### **334.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

##### **334.6.1 DOCUMENTATION RELATED TO FORCE**

The Watch Supervisor or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Biological Samples*

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the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

#### 334.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

#### 334.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this office is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

## Chaplains

### **335.1 PURPOSE AND SCOPE**

This policy establishes the guidelines for Humboldt County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

### **335.2 POLICY**

The Humboldt County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### **335.3 ELIGIBILITY**

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

### **335.4 RECRUITMENT, SELECTION AND APPOINTMENT**

The Humboldt 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.

#### **335.4.1 SELECTION AND APPOINTMENT**

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff, the Chaplain Coordinator and the Senior Chaplain.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Chaplains*

---

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.

#### **335.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Humboldt County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Humboldt County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

#### **335.6 CHAPLAIN COORDINATOR**

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration 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 Watch Supervisor.

The chaplain coordinator may utilize the senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Chaplains*

---

- (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.

#### **335.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Operations Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the senior chaplain, 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 Humboldt County Sheriff's Office.

##### **335.7.1 COMPLIANCE**

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

##### **335.7.2 OPERATIONAL GUIDELINES**

- (a) Chaplains may have an assigned on-call schedule as determined by the senior chaplain, the chaplain coordinator or the authorized designee.
- (b) Generally, each chaplain will serve with Humboldt County Sheriff's Office personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
- (d) Chaplains shall be permitted to ride with deputies during any shift and observe Humboldt County Sheriff's Office operations, provided the Watch Supervisor has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as a deputy.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Chaplains*

---

- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Humboldt County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

#### 335.7.3 ASSISTING DEPARTMENT MEMBERS

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.

#### 335.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Supervisor or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

#### 335.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Chaplains

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- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### 335.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

#### 335.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Humboldt 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 Humboldt County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### 335.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Chaplains*

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- Deputy injury or death
- Sensitivity and diversity

# Public Safety Video Surveillance System

## 336.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of office public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Office. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Office.

## 336.2 POLICY

The Humboldt County Sheriff's Office operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the County to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 336.3 OPERATIONAL GUIDELINES

Only office-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Sheriff or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 336.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Sheriff should confer with other affected County divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending, and prosecuting offenders.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Safety Video Surveillance System*

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- (e) To document deputy and offender conduct during interactions to safeguard the rights of the public and deputies.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Supervisor's office and Emergency Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding deputies in a timely manner. The Watch Supervisor or trained personnel in Emergency Communications Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Sheriff may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than sheriff's personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

#### **336.3.2 CAMERA MARKINGS**

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

#### **336.3.3 INTEGRATION WITH OTHER TECHNOLOGY**

The Office may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of office strategy.

The Office should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

#### **336.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure members are within office policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

##### **336.4.1 VIDEO LOG**

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Safety Video Surveillance System*

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been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

#### **336.4.2 PROHIBITED ACTIVITY**

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups 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.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

#### **336.5 STORAGE AND RETENTION OF MEDIA**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the County Counsel. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

##### **336.5.1 EVIDENTIARY INTEGRITY**

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be 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, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Safety Video Surveillance System*

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#### **336.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Humboldt County Sheriff's Office.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for office public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established office subpoena process.

#### **336.7 VIDEO SURVEILLANCE AUDIT**

The Sheriff or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Sheriff or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

#### **336.8 TRAINING**

All office members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## Child and Dependent Adult Safety

### **337.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

### **337.2 POLICY**

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Humboldt 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.

### **337.3 PROCEDURES DURING AN ARREST**

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child and Dependent Adult Safety*

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#### 337.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 337.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child and Dependent Adult Safety*

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 337.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

#### 337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **337.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car, or taken into formal protective custody.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Child and Dependent Adult Safety*

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **337.5 TRAINING**

The Training Sergeant 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

### 338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that 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 (ADA).

#### 338.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Civil Code § 54.1; 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)).

### 338.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to provide equal access to services, programs, and activities of the Office to persons with service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to a person authorized to train a service dog (Civil Code § 54.2).

### 338.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Humboldt County Sheriff's Office affords to all members of the public (28 CFR 35.136).

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Service Animals*

---

- 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.

#### **338.4 INQUIRIES REGARDING SERVICE ANIMALS**

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 their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

#### **338.5 CONTACT WITH SERVICE ANIMALS**

Service animals are not pets. Office members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

#### **338.6 REMOVAL OF SERVICE ANIMALS**

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a office supervisor 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); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

#### **338.7 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Service Animals*

---

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

### **339.1 PURPOSE AND SCOPE**

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

#### **339.1.1 DEFINITION OF VOLUNTEER**

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support, posse members, citizens on patrol, and youth involved in a law enforcement Explorer Post, among others.

### **339.2 VOLUNTEER MANAGEMENT**

#### **339.2.1 VOLUNTEER COORDINATOR**

The Volunteer Coordinator shall be appointed by the Sheriff. 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, through his/her designee(s), shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Volunteer Program*

---

- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 339.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### 339.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

#### 339.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Volunteer Program*

---

#### 339.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

#### 339.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

#### 339.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Volunteer Program*

---

#### **339.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

#### **339.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

#### **339.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

##### **339.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Volunteer Program*

---

- (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.

#### **339.5.2 RADIO AND MDC USAGE**

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.

#### **339.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

##### **339.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

#### **339.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## Off-Duty Law Enforcement Actions

### 340.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Humboldt County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 340.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 340.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

### 340.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Off-Duty Law Enforcement Actions*

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **340.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Humboldt County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

#### **340.4.2 INCIDENTS OF PERSONAL INTEREST**

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

#### **340.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **340.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

### **340.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Supervisor as soon as practicable. The Watch Supervisor shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Canines

### **341.1 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.

### **341.2 POLICY**

It is the policy of the Humboldt 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. All handlers, supervisors, coordinators, and managers will adhere to the use of force policy and guidelines set forth in Supreme Court case law *Graham v Connor*.

### **341.3**

### **341.4 CANINE COORDINATOR**

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

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

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

### **341.5 REQUESTS FOR CANINE TEAMS**

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from units outside of the Operations Division shall be reviewed by the on duty patrol supervisor.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

#### 341.5.1 OUTSIDE AGENCY REQUEST

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

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

#### 341.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

#### **341.6 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 69 PC, or any serious or violent offenses listed under Penal Code 667.5 or 1192.7(c) 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 Law Enforcement Officer, 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 Law Enforcement Officers 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. The handler is responsible for their canine at all times and are accountable for any force that results from use.

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 Watch Commander. Absent a change in circumstances

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

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, the handler shall constantly reassess use of the canine and adjust deployment during the incident as appropriate. Once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler shall 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 shall promptly command the canine to release the suspect.

#### 341.6.1 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 shall 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. A reasonable effort to ensure no other persons are in a search area if the canine is off leash.
- (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.
- (h) The containment of the suspect if an established perimeter is present. If perimeter is present, the on scene supervisor will advise perimeter units to standby until the arrival of the canine.

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 prior to deployment and determine whether the use of a canine is appropriate and reasonable. The evaluation may include, but is not limited to, communication with involved deputies, outside agency personnel, witnesses, victims, and/or first-hand observations. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

#### 341.6.2 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. This standardized announcement will be provided by the canine coordinator and will be used by all handlers prior to deployment. 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.

#### 341.6.3 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 shall be promptly notified and the injuries documented in the canine use report. The handler shall document in a crime report the circumstances surrounding the use of the canine to apprehend the suspect and the necessity to use force. A report should be sent to the District Attorney requesting charges for the underlying offense and/or resisting arrest. Any injuries associated with the canine deployment 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 shall 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 Humboldt County Sheriff's 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 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

#### **341.7 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.

##### **341.7.1 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.

##### **341.7.2 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.

##### **341.7.3 BOMB/EXPLOSIVE DETECTION**

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

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

#### **341.8 HANDLER SELECTION ( AN AT-WILL ASSIGNMENT AT THE DISCRETION OF THE SHERIFF)**

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation who has demonstrated a history of good decision making.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c)
- (d) Living within the Humboldt County Sheriff's Office County limits.
- (e) Agreeing to be assigned to the position for the working life of the dog..
- (f) Must have no rating below a 3 on the last completed Performance Appraisal Report.
- (g) Must have supervisors recommendation in addition to no sustained use of force violations within a 12 months period.
- (h) Must be sufficient in oral and written communications.
- (i) Must be physically capable for the demands of the position.

#### **341.9 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 office equipment under his/her control in a clean and serviceable condition.
- (c) .
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Humboldt County Sheriff's Office .

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

- (e) Handlers shall permit the canine coordinator 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.
- (f) 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 coordinator as soon as possible.
- (g) 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.
- (h) 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.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Supervisor.
- (j) 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 coordinator or Watch Supervisor.
- (k) 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 coordinator so that appropriate arrangements can be made. At no time will a canine be left in the supervision of unqualified personnel.

#### **341.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### **341.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

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).

#### **341.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Supervisor as soon as practicable and appropriately documented.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained by the canine coordinator.

#### **341.12 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Supervisor.

##### **341.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Humboldt County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.
- (d) Handlers should make a reasonable effort to train with their patrol watch when time allows. This training should also include any daily training requirements as recommended by the departments canine vendor.

##### **341.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

##### **341.12.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's and the canine's training file. Those records will also be reviewed, stored and maintained by the canine coordinator.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

#### 341.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Humboldt County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

#### 341.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Humboldt County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### 341.12.6 PROCEDURE FOR RELEASE OF CONTROLLED SUBSTANCES FROM PROPERTY DIVISION FOR K9 TRAINING PROGRAM

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

The K9 Coordinator will notify the Property Division of intent to seize. The Property Division will confirm the item is available and eligible for K9 disposition.

Once the Property Division has confirmed the item is available, they will notify the K9 Coordinator of such.

The K9 Coordinator will then provide the Property Division with the following information by way of a signed Sheriff's approval memorandum or an Order of the Court:

- (a) The original HCSO case number under which the substance was booked
- (b) Suspected narcotic/drug type
- (c) Quantity booked
  - (a) The quantity must be between 0 and 28 grams
  - (b) The item will be packaged as a single item and will be taken in its entirety
  - (c) There will be no separating or "breaking down" of any larger quantities.
- (d) Inter-agency authorization or Order of the Court



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

- (a) If the item was booked under an HCSO case number in which no prosecution was sought, an interagency authorization is required. If the item was seized pursuant to a search warrant, or as evidence in a case which criminal prosecution was sought, an Order of the Court is required.

Property Division will notify the K9 Coordinator when the item is ready for release, this should occur within two business days.

The K9 Coordinator will respond to the Property Division, along with the K9 handler who will be possessing the item(s), and prepare the item for seizure. This will include:

1. Unpackage the item
2. Testing the suspected substance
3. Identify the substance
4. Weigh the substance
5. Take possession of the item pursuant to HS 11367.5

The K9 Handler who will possess the substance will draw a supplemental report in RIMS to the original case number, documenting the above procedures, including the test results, weight at time of seizure, the item number for the substance, and that the item was seized for use as a K9 training aide. If the original case number was not an HCSO case, a new HCSO case number must be taken and the original will be referenced. The court order or internal authorization memorandum shall be scanned into the case file in RIMS. The Property Division will update the location of the item to indicate "K9 Training Program".

The K9 Coordinator and handler will ensure that the substance is properly secured and stored while in his/her custody/ This will include monthly inspections, and weigh ins by the K9 Coordinator.

Pursuant to HS 11367.5c(1) the controlled substance shall remain in the custody and control of the handler who seized the item. Only that handler may utilize the substance.

When the controlled substance is no longer needed for training, or annually (whichever comes first) the K9 Handler and K9 Coordinator will meet in the Property Division and do the following:

1. Test the substance
2. Weigh the substance
3. Account for any deviation from previous weight(s)
4. Package the item appropriately for booking
5. Return the item to the Property Division for destruction

The K9 Handler will draw another supplemental report to the original case documenting the return process, including the test results and return weight of the substance.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Canines*

---

#### 341.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

## Office Use of Social Media

### 342.1 PURPOSE AND SCOPE

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).

#### 342.1.1 DEFINITIONS

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

### 342.2 POLICY

The Humboldt 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.

### 342.3 AUTHORIZED USERS

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.

### 342.4 AUTHORIZED CONTENT

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:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Office Use of Social Media*

---

- (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.

#### **342.4.1 INCIDENT-SPECIFIC USE**

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.

#### **342.5 PROHIBITED CONTENT**

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 Humboldt 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.

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.

#### **342.5.1 PUBLIC POSTING PROHIBITED**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Office Use of Social Media*

---

#### **342.6 MONITORING CONTENT**

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.

#### **342.7 RETENTION OF RECORDS**

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

#### **342.8 TRAINING**

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

## 343.1 PURPOSE AND SCOPE

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.).

### 343.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - Any physical part of the body of a Native American individual.

**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.

## 343.2 POLICY

It is the policy of the Humboldt County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects,

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Native American Graves Protection and Repatriation*

---

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.

#### **343.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

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 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Deputy Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

#### **343.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

# Gun Violence Restraining Orders

## 344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

### 344.1.1 DEFINITIONS

Definitions related to this policy include:

**Gun violence restraining order** - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

## 344.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

## 344.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the deputy's supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

### 344.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a residence that 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, possesses, or expresses an intent to acquire 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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Gun Violence Restraining Orders*

---

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 or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

#### **344.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS**

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records 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.

##### **344.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

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 Records Manager for filing with the court and appropriate databases.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Gun Violence Restraining Orders*

---

#### **344.5 SEARCH WARRANTS**

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
  - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

#### **344.6 RECORDS MANAGER RESPONSIBILITIES**

The Records 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Gun Violence Restraining Orders*

---

#### **344.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS**

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (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.

#### **344.8 STORAGE AND RELEASE OF FIREARMS AND AMMUNITION**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

#### **344.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

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.
  - 4. Renewal orders.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
  - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
  - 2. Whether the potential victim is within close proximity.
  - 3. Whether the person has expressed suicidal tendencies.
  - 4. Whether the person has access to firearms.
  - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Gun Violence Restraining Orders*

---

6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
  7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
  2. Forwarding orders to the Records 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 (Penal Code § 18108).
- (d) Coordinating with the Training Sergeant 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 and participate in the evidence presentation process (Penal Code § 18108).
- (h) Coordinating with the Training Sergeant to ensure deputies remain current with the following (Penal Code § 18108):
1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Gun Violence Restraining Orders*

---

2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.
  - (i) Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).
  - (j) Establishing procedures for deputies to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

#### **344.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Major Crimes Division supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

#### **344.11 POLICY AVAILABILITY**

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

#### **344.12 TRAINING**

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

## Community Relations

### 345.1 PURPOSE AND SCOPE

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.

### 345.2 POLICY

It is the policy of the Humboldt 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.

### 345.3 MEMBER RESPONSIBILITIES

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 Emergency Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Emergency Communications Center of their location and status during the foot patrol.

### 345.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Office to serve as the community relations coordinator. They should report directly to the Sheriff or authorized designee and is responsible for:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Community Relations*

---

- (a) Obtaining office-approved training related to their 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 Field Operations 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.

#### **345.5 SURVEYS**

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
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff.

#### **345.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

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:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Community Relations*

---

- (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.

#### **345.7 INFORMATION SHARING**

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.

#### **345.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

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.
- (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.

#### **345.9 SAFETY AND OTHER CONSIDERATIONS**

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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Community Relations*

---

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.

#### **345.10 COMMUNITY ADVISORY COMMITTEE**

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 Sergeant 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.

##### **345.10.1 LEGAL CONSIDERATIONS**

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.

#### **345.11 TRANSPARENCY**

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.

#### **345.12 TRAINING**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Community Relations*

---

- (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.

# Generative Artificial Intelligence Use

## 346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for office use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of office information technology resources are found in the Information Technology Use Policy.

### 346.1.1 DEFINITIONS

Definitions related to this policy include:

**Generative artificial intelligence (GenAI)** - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

## 346.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance office procedures, and improve the overall effectiveness of the Humboldt County Sheriff's Office.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as office tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Office to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Office using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

## 346.3 RESPONSIBILITIES

### 346.3.1 SHERIFF

The Sheriff or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any office functions.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Generative Artificial Intelligence Use*

---

#### 346.3.2 AI COORDINATOR

The Sheriff or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administration Division Commander or the authorized designee.

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

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Sheriff or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
  - 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Office consistently over time.
  - 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the office's use of the system.
  - 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
  - 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
  - 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
  - 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
  - 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of office data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Office and third-party vendor.
- (c) Coordinating with others within the Office and County, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- (d) Maintaining a list or inventory of office-approved GenAI systems and, when appropriate for office transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Generative Artificial Intelligence Use*

---

- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each office-approved GenAI system.
- (h) Ensuring access to office GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Office to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the office's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and office practices and proposing updates as needed to the Sheriff.
- (m) Developing procedures in coordination with the *Brady* information coordinator and the Records Manager for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the California Public Records Act.

#### **346.4 USE OF GENERATIVE AI**

The use of office GenAI systems by office members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

- (a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- (b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
- (c) Include a statement in the final document or work product that GenAI was used to aid in its production.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Generative Artificial Intelligence Use*

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#### **346.4.1 PRIVACY CONSIDERATIONS**

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

#### **346.5 PROHIBITED USE**

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Sheriff or the authorized designee for the intended use.

#### **346.6 TRAINING**

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

## Court Facility Entry Screening

### **347.1 PURPOSE:**

This Order establishes the policy and procedures for the security screening of all persons entering court facilities within the County of Humboldt.

### **347.2 POLICY:**

The Humboldt County Sheriffs Office is committed to providing a safe and secure environment, achieved through proactive preventative action, within the court facilities of Humboldt County. In furtherance of our commitment, this policy sets fourth the procedures by which Sheriff's Court Protection Unit (CPU) personnel, in cooperation with contract security officer services, will conduct entry screening at court facilities.

**Reference:** Court Order issued by the Presiding Judge of the Humboldt Superior Courts reference entry screening and Humboldt County Ordinance 267-1/Courthouse Screening

### **347.3 PROCEDURE**

#### **Entry screening:**

The purpose of entry screening at court facilities is to detect and prevent the entry of unauthorized weapons, potential weapons, explosives, incendiary devices or any items or objects which could become weapons of opportunity or could be used to facilitate an escape of inmates.

- (a) Staffing will consist of Deputy Sheriffs and/or contract security officers.
- (b) Screening equipment will consist of one or more of the following: Hand#held wands, Magnetometers, X#ray Machines and recorded Video Monitoring Systems.

### **347.4 AUTHORITY**

The primary authority for conducting the screening process is derived from a court order issued by the Presiding Judge of the Superior Courts of Humboldt County and by County Ordinance of the Board of Supervisors of Humboldt County. It is noted that:

- (a) The public has the right to refuse the screening process and inspection of their personal belongings.
- (b) The public has the right to stop the screening of their persons or personal belongings at anytime during the screening process unless an obvious threat or illegal contraband has been detected or identified.
- (c) Access to the courthouse facility shall be denied to those persons electing not to be screened or those persons who withdraw consent during the entry screening process.
- (d) Personal belongings not screened will be denied access into the facility.
- (e) From time to time, persons entering a court facility may object to being screened and/or question the authority of preventing certain objects from entering court facilities. When such conflicts arise and cannot be resolved by way of explanation of the screeners, the CPU supervisor shall be notified.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

#### **347.5 CONDUCT AND DEMEANOR**

- (a) Security Personnel shall be dressed in their issued uniform, including insignia and shoulder patches that readily identify as a security officer of the courthouse. They shall not wear any clothing over their uniform or head covering that is not standard issued.
- (b) Regardless of provocation, entry-screening personnel will be professional and courteous in their conduct and demeanor at all times.
- (c) When reasonable, entry-screening personnel will, upon request, provide information to the public relative to justification and authority. This is crucial to maintaining the public's support of the entry screening process.
- (d) Entry screening personnel shall not impede the work of county and court staff by engaging in frivolous conversations that are not directly related to assigned duties, unless both parties are on break.
- (e) Entry screening personnel shall not temporarily hold, store, or keep personal property or prohibited items belonging to persons entering court facilities. Prohibited items shall not be discarded by screeners on the behalf of persons and shall not be discarded in trash receptacles within the facility.
- (f) Security officer's/deputies assigned to entry screening may consume beverages, in a discrete manner, while assigned at the Entry Screening Station; however, entry screening personnel will not consume beverages while actively engaged in the screening of persons entering the facility.
- (g) Security Personnel shall not be on their personal communication devices (PCD), tablets or computers while screening. The use of PCD's, tablets, and laptops shall be limited to break times while outside of the screening area.

#### **347.6 CONTRACT SECURITY OFFICER RESPONSIBILITIES**

All contract security officers who may be assigned to court facility; entry-screening stations shall be responsible for the following:

- (a) Proper operation, maintenance and upkeep of their respective entry screening stations and any and all equipment used in the screening process.
- (b) Greeting and acknowledging persons entering court facilities using tact/diplomacy and a professional demeanor representative of the Sheriff's Office.
- (c) Ensuring that all persons who enter court facilities (with the discretionary exception of judicial officers and peace officers on verifiable official business) comply with the established entry screening requirements.
- (d) When necessary, conducting non-intrusory searches of persons being screened, and thorough searches of their personal and hand-carried items that may contain prohibited items. These searches should always be by way of verbal consent. If someone denies consent, they are denied access to the courthouse.
- (e) Utilizing the procedures established herein, preventing any/all prohibited items from entering court facilities and immediately notifying a court deputy/bailiff when suspected illegal contraband is found/detected during the screening process.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- (f) Ensure communication devices are working, and officers have direct contact with the CPU for any security related issues.

Contract security officers shall immediately notify the CPU Supervisor or, in their absence, the senior deputy of any of the following:

- (a) Uncooperative, disorderly, threatening or potentially dangerous individual(s) personally observed or brought to their attention.
- (b) Any breeches of security or other similar or related incidents brought to their attention.
- (c) Any suspicious activity or unattended item left in the screening area.
- (d) Anyone entering the facility who displays objective symptoms of intoxication and/or are a danger to themselves or others due to their level of intoxication.

Contract Security Officers shall make immediate notification to the CPU Supervisor or, in their absence, the senior deputy under the following circumstances:

- (a) When major threats to or breeches of facility security are received or occur.
- (b) Upon receipt of personnel complaints related specifically to the individual actions or demeanor of screening personnel (this does not include complaints of a policy or procedural nature).
- (c) When injuries are sustained by employees or members of the public while on court premises (regardless of cause).
- (d) When any known crime occurs in the screening area.

#### **347.7 CPU DEPUTY RESPONSIBILITIES**

Deputies assigned to or present at court entry screening stations will be responsible for the following:

- (a) Absent the involvement of a supervisor or senior sworn Sheriff's Office member, the deputy present will have final authority on all decisions or matters relative to searches, seizures and the exclusion of items from the court facility, which are deemed to be prohibited.
- (b) When in dispute, deputies will physically inspect the items in dispute and will utilize applicable penal codes and the list of prohibited items contained within the standing order of the Presiding Judge of the Superior Court of Humboldt County and Humboldt County Ordinance 267-1/Courthouse Screening when making a final determination.
- (c) Respond as needed to breeches of security, found/seized contraband items of a criminal nature, disputes over entry denials, and unusual circumstances or situations that may impact facility security.
- (d) When appropriate will arrest and take custody of persons attempting entry into court facilities who are found to be in possession of contraband.
- (e) Deputy Sheriffs will take custody and control of all items of contraband seized during entry screening, and will take custody and control of any and all found/unclaimed property left at the facility entry screening station in accordance with Sheriff's Office policies and procedures.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- (f) All confiscated weapons seized pursuant to applicable penal codes or court order shall be held as evidence until the adjudication of the case.

Deputy Sheriffs will make immediate notification to a supervisor under the following circumstances:

- (a) When major threats to or breeches of facility security are received or occur.
- (b) When arrest(s) are made of person(s) attempting entry into court facilities with contraband items.
- (c) Upon receipt of personnel complaints related specifically to the individual actions or demeanor of screening personnel (this **does not** include complaints of a policy or procedural nature).
- (d) When injuries are sustained by employees or members of the public while in the courthouse (regardless of cause).

#### **347.8 ENTRY SCREENING STATION ASSIGNMENTS AND EQUIPMENT**

Specific staffing requirements will be determined by the CPU Division Commander having control over the respective court facility. Entry screening duties and assignments will generally consist of contract security officers and/or Sheriff's CPU personnel who will staff one or more of the following:

- (a) Monitoring and control of entrance lanes.
- (b) Observation of persons passing through the magnetometers
- (c) Monitoring of x-ray machine entry and exit conveyors, and machine images.
- (d) Follow-up inspection (visual and hand-held scanner) of all persons activating the magnetometer alarms.
- (e) Physical inspection and control of items indicated by x-ray examination.
- (f) Observation and control of the exit lanes.

#### **Entry screening equipment:**

The three main items of screening equipment in use at court facility entry screening stations are the walk-through magnetometer (metal detector), hand-held scanners (hand wands) and x-ray machines. The manufacturer's operating manuals for all three items of equipment shall be made available for all personnel to review and reference as needed. All personnel assigned to entry screening duties shall operate the equipment in strict accordance with the manufacturer's specifications and instructions. Personnel shall not move, alter or adjust the sensitivity or settings of this equipment unless designated or directed to do so by a supervisor.

#### **347.9 ENTRY SCREENING PROCESS**

The screening process is initiated when a screener first observes a person entering or preparing to enter a court facility.

- (a) During this visual inspection phase, the screener shall be conscious of the person's dress and demeanor.
- (b) The screener shall also note any bulges or unusual shapes in the clothing, as well as unusual or bulky articles of clothing being worn or carried by the person.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- (c) The screener shall be conscious of pouches or sheaths worn openly, gloves, headgear and footwear.
- (d) The screener shall also note any personal or hand#carried items in the person's possession.
- (e) After entry, the person shall be cordially greeted and instructed to remove all metal objects or items containing metal objects from his/her pockets.
- (f) The screener shall then direct the person to place all objects removed from his/her pockets, including wallets/billfolds, into the screening baskets provided.
- (g) The screener shall then direct the person to place all personal belongings or hand#held items large enough to conceal a weapon or explosive device onto the x#ray machine conveyor.
- (h) In the absence of an x#ray machine, the person shall be instructed to place such items onto an examination table in view of the person.
- (i) The screener shall be conscious of the cooperativeness and demeanor of the person, as well as any unusual degree of nervousness that the person may be displaying.
- (j) Items placed into the screening basket shall be inspected by the screener in the presence of the person.

#### **Use of magnetometers:**

After inspection of the items placed into the screening baskets, the person shall be directed to walk through the magnetometer.

- (a) In the event the magnetometer alarm sounds (indicating the presence of metal on the person), the person shall be asked to check his/her person and pockets for any additional objects or items containing metal.
- (b) If additional objects or items are located on his/her person, the screener shall likewise direct the person to place the objects or items into the screening basket provided and shall inspect the additional items.
- (c) The person shall again be directed to walk through the magnetometer a second time, to verify the elimination of the source of the first alarm.
- (d) If the magnetometer alarm sounds again, the screener shall then use a hand#held scanner (hand wand) to conduct further inspection of the person, using the wand methods listed in 10.0, Use of Hand#held scanners (hand wands).
- (e) The screener shall continue to use the hand wand method until the source of the alarm is absolutely and positively identified.
- (f) Persons not cleared by way of the magnetometer or hand#held scanners shall not be given access to their hand carded items until such time as they are satisfactorily cleared.

#### **Use of hand-held scanners (Hand wands):**

- (a) Hand#held scanners are sensitive to metal but will only alarm when the broad surfaces of the sensing element are placed in close proximity to metal objects.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- (b) The sensing element should be used parallel to the area being inspected, and should be held 1 # 3 inches above the surface of the part of the body being inspected.
- (c) Hand-held scanners shall be tested and inspected daily, prior to the beginning of each shift. If a unit is found to be inoperative, the screener should notify their supervisor immediately so that a replacement unit can be provided.
- (d) The screener shall start the wandling process at the same location on the person's body each time.
- (e) The inspection should follow a systematic pattern until the screener has covered both the front and back of the person's body, from the top of his/her head to the floor.
- (f) Screeners shall overlap in their wandling pattern, starting at the point in which an identified source or object has been located to ensure that a secondary object is not concealed in or near the same location of the persons body where previous objects have been found.
- (g) The method of overlapping shall be continued until the entire surface of the body has been inspected and cleared.

#### **Pat-down searches:**

If the hand#held scanner fails to resolve the source of an alarm, persons may be asked to consent to a pat#down search of their persons. Likewise, persons with certain medical conditions, devices or implants may request that a screener conduct a pat#down search of their persons in lieu of passing through a magnetometer

- (a) When a pat#down search is deemed appropriate, the pat#down search should only be conducted by a CPU deputy of the same sex. This search shall be done by consent only, unless the deputy believes there is probable cause or articulable facts to believe the subject has committed a law violation.
- (b) When the magnetometer and hand#held scanner fails to clear a person, the pat#down search shall be limited to the area of the unresolved alarm and only to the extent necessary to ensure that there are no prohibited items on the person.
- (c) Pat#down searches should be as least intrusionary as possible and should be conducted in such a manner as to maintain the dignity of the person being searched. Therefore, the pat-down search may be conducted in the pat-down room or a designated private area. If the search is conducted in the described area, two (2) security personnel will be present
- (d) Persons, who decline or revoke consent to a pat#down search when deemed necessary by a court deputy/bailiff, shall be denied access to the court facility.

#### **Use of x-ray equipment:**

Screeners shall have a thorough understanding and knowledge of the x#ray equipment at their respective screening stations, to include the direction of the x#ray beam, and interpretation of images on the equipment's monitor

- (a) Screeners shall process items or articles in such a manner and at such a pace as to ensure the identity of the contents of each hand carried item inspected.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- (b) The integrity of the process shall not be compromised by the volume of patrons awaiting access or by other distractions that may be present.
- (c) The proper x#ray method begins at the point in which an item or article is placed onto the entry conveyor.
- (d) Knowledge of the direction of the x#ray beam is important so that screeners ensure items or articles are loaded in such a manner as to present the widest, flattest surface of the item or article to the x#ray beam.
- (e) Hand#carried items often contain bags, pouches, or similar items within, which, depending on their contents, can block the view of the main item or article being inspected. Under these circumstances, the screener shall obtain consent from the person to remove the bags, pouches or similar items from the main item for the purpose of x-raying each item separately.
- (f) Scientific film, x#ray film and high-speed film (ASA 1000 or higher) should be physically inspected and **should not be inspected** by x#ray.
- (g) As with the inspection of their persons, patrons have the right to request that items or articles be physically inspected in lieu of being examined by x#ray. Items that cannot be satisfactorily cleared by physical inspection shall be denied access to the court facility.

#### **Inspection of hand-carried items:**

All hand#carried items of a size and nature capable of containing or concealing prohibited items shall be inspected.

- (a) The inspection will be accomplished either by x#ray examination, physical inspection or both.
- (b) As with the inspection of their persons, patrons have the right to refuse inspection of their personal items or belongings. Items that cannot be satisfactorily cleared by physical inspection shall be denied access to the court facility.

#### **Physical inspection policy:**

Physical inspections of hand#carried items or articles shall be conducted under the following circumstances

- (a) When x#ray equipment fails to adequately clear an item or article and the inspection is deemed necessary by the screener.
- (b) When a court facility is not equipped with x#ray screening equipment and the inspection is deemed necessary by the screener.
- (c) When a person entering requests a physical inspection of a hand carried item or article, in lieu of x#ray inspection.

#### **Physical inspection procedures:**

All physical inspections of hand#carried items or articles shall be thorough and methodical, and shall be conducted in the immediate presence of the owner.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- (a) Except when conducted at the request of the individual, consent shall be obtained from the individual prior to conducting physical inspections of an intrusive nature.
- (b) Searches of an intrusive nature would include, but are not limited to, internal searches of purses, hand bags, briefcases, wallets, fanny packs, back packs or similar hand#carried items or articles of a personal nature.
- (c) The consent requirement shall not apply to items or articles found/abandoned where the search of the item or article is for the purposes of identifying its owner, or for determining the contents of the item or articles for safety purposes.
- (d) Physical inspections of hand#carried items or articles should be conducted in such a manner as to maintain the dignity of the person whose items or articles are being searched.
- (e) Persons, who decline or revoke consent to physical inspection of their hand#carried items or articles, when such inspection is deemed necessary for facility security, shall be denied admission of the item or article into the court facility.

#### **Wallet inspection procedures:**

The following establishes the procedures by which wallets/billfolds shall be inspected:

- (a) Screeners shall ask persons entering the facility whether or not they have wallets on their persons
- (b) Those persons having wallets will be directed to remove and place their wallets into the screening baskets provided, in addition to the objects removed from their pockets, which contain metal.
- (c) In the immediate presence of the person, the screener will lift the wallet above the screening basket and shall wand both sides of the wallet at close proximity to the outside of the wallet, utilizing a hand-held scanner.
- (d) Screeners will not open, unfold or enter the interior of the wallet during the initial wand process and shall take precautions to prevent from dropping or inadvertently spill the contents of the wallet during the process.

If the hand#held scanner does not alarm on the contents of the wallet, the person shall have the wallet returned to them and the person shall continue with the entry screening process.

If the hand#held scanner does alarm on the contents of the wallet, the person shall be directed to:

- (a) Place the wallet on the x#ray entry conveyor (at facilities with x#ray equipment).
- (b) Enter through the magnetometer, after placing the wallet on the conveyor, to be cleared using normal screening procedures.

If the magnetometer alarms while the persons wallet is being examined by x#ray, the person shall be directed as follows

- (a) To proceed to the x#ray machine, exit conveyor, and instructed to retrieve the wallet after the wallet has been satisfactorily cleared by way of x#ray examination.
- (b) To place the cleared wallet in their hand while the screener proceeds to clear the person and source of the magnetometer alarm utilizing a hand#held scanner.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

**At no time** shall a person be separated from their wallet except during the actual x#ray examination of the wallet (while the wallet is passing through the interior of the x#ray machine).

When an interior inspection of a wallet is deemed necessary, the same procedures outlined above; physical inspection of personal hand#carried items, shall be followed. This includes the following conditions:

- (a) The x#ray inspection indicates the presence of one or more prohibited items in the wallet.
- (b) The facility is not equipped with x#ray equipment and the wand of the wallet indicates, by scanner alarm, the presence of metal within the wallet.

Persons who decline or revoke consent to an interior inspection of their wallets or billfolds, when such inspection is deemed necessary for facility security, shall be denied admission of the wallet or billfold into the court facility.

#### **Physically impaired (non-ambulatory) persons:**

Physically impaired persons can present a unique challenge to screeners and the entry screening process. Likewise, the process can be a difficult and demanding experience for non-ambulatory and other physically impaired persons. If not handled with dignity and respect, the process can be very humiliating for the person being screened. This special challenge does not; however, relieve us of our responsibility to conduct a complete and thorough search. The following procedure shall be followed with persons confined to a wheel chair.

- (a) Upon the arrival of a non#ambulatory person in a wheel chair, the screener shall inquire as to the person's ability to walk through the magnetometer or stand far enough away from the wheel chair to allow inspection of his/her person with a hand#held scanner.
- (b) If the person is physically incapable of this, consent to search shall be obtained from the person and a search shall be conducted of their person and the wheelchair by a deputy using the procedures as outlined.
- (c) The wheelchair and any other ambulatory type medical devices shall be thoroughly inspected for concealed prohibited items. Close attention should be paid to blankets or coverings, and any attachments to the device.
- (d) Hand#carried items within their possession shall be inspected using the procedures outlined above.

#### **Service animals:**

The Americans with Disabilities Act (ADA), defines a service animal as any guide dog, signal dog, or other animal trained to provide assistance to an individual with disability. All municipal and county ordinances that apply to animals also apply to a service animal and should be considered relative to health and safety issues concerning vaccinations and disease control. A service animal is not a pet.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

If an animal accompanies an individual, and the individual asserts claim that the animal is a service animal, court security shall allow the individual to enter the court facility with the animal under the following conditions:

- (a) The individual asserts he or she has a disability.
- (b) The individual asserts the animal is a service animal.
- (c) The animal does not threaten the health or safety of others.
- (d) The individual maintains control of the animal while in the court facility.
- (e) The individual is NOT REQUIRED to provide written documentation that the animal is a service animal.
- (f) If court security denies entry or requires the animal to be removed after entry, the CPU supervisor shall be notified. The CPU supervisor will evaluate the situation and make reasonable attempts to accommodate the individual if appropriate. If an accommodation cannot be made, the court security supervisor shall prepare a memorandum. The memorandum shall include the justification for not allowing the service animal into the facility. The memorandum shall be directed to the CPU Lieutenant. The CPU Lieutenant will forward a copy of the memorandum to the Sheriff via the chain of command.

#### **Strollers/child carrying devices:**

Persons who enter court facilities with child strollers or child carrying devices shall be inspected following the same guidelines as that of persons in wheel chairs, outlined above.

- (a) If the child is unable to walk unaccompanied, the child may be carried through the magnetometer by a parent or guardian.
- (b) Hand#carried items shall be inspected using the procedures contained herein.

#### **Deliveries/mail:**

Frequent deliveries are made to court facilities by vendors and suppliers. Deliveries often consist of office supplies (both bulk and small), vending machine supplies and bottled water. Delivery persons themselves shall be screened in accordance with entry screening procedures.

- (a) Large or bulk items shall be visually and physically inspected.
- (b) Items small enough to be hand#carried shall be inspected using x#ray equipment (when available). If the source or nature of a delivery is in question, screeners shall contact a court supervisor within the courts to verify the authenticity of the delivery.
- (c) All packages delivered by U.S. Postal Service, United Parcel Service, Federal Express or any other delivery service shall be inspected using x#ray equipment (when available) prior to addressee delivery.

#### **Court evidence protocol:**

When court evidence--specifically, firearms, replica firearms, ammunition, deadly weapons, knives, tear gas containers, taser#stun guns, and metallic or paint projectile instruments--are



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

brought to court by persons other than a readily identifiable peace officer, the following procedures shall be implemented:

- (a) The individual(s) transporting any of the items described below shall be properly identified.
- (b) Screeners shall obtain confirmation with the courtroom deputy on the expected arrival of the evidence.
- (c) The transporting individual shall remain at the entry screening station with the court evidence, until they can be provided an escort by the investigating peace officer from the investigating law enforcement agency or a court deputy.
- (d) Prior to allowing entry of firearms as evidence into the facility, the firearm shall be cleared as safe and rendered inoperable by the investigating peace officer and/or the court deputy.
- (e) Contract security officers shall not clear firearms.

#### **Armed Plainclothes/Off-Duty Peace Officers:**

- (a) In accordance with Penal Code Section 171 b, entry screening personnel shall inquire as to whether or not a peace officer, armed and dressed in plainclothes attire, is a "party to an action" pending before the court, prior to allowing entry into the court facility. Peace officers who are a party to an action pending before the court shall not be allowed entry into the court facility with their firearm.
- (b) Entry screening personnel shall request and view proper agency or department identification prior to allowing armed plainclothes peace officers, entry into the court facility.
- (c) All armed, plain clothed peace officers entering any court facility shall wear their departmental issued identification card in a readily visible location at all times while in the court facility.
- (d) Any questions or disputes arising out the enforcement of this section shall immediately be referred to a court deputy or CPU supervisor for resolution.
- (e) Plainclothes peace officers, the District Attorney, and Deputy District Attorneys may display their issued badges upon entering the courthouse screening area. They will be directed through the metal detector along with their belongings without requiring their personal items to be screened through the x-ray machine.

#### **Screening station logs:**

- (a) When required, contract security personnel shall be responsible for maintaining entry-screening station logs for their respective station.
- (b) The requirement of logs, consisting of, but not limited to, pass#on logs, plain clothes officer logs, contraband detection logs and equipment service logs, will vary from facility to facility and shall be determined by the CPU supervisor having control over the facility.

#### **Prohibited items - by statue:**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

Any item or article having the potential to inflict or cause physical harm shall be inspected to determine whether it has been filed, sharpened, honed, or in any other manner altered to the extent that it meets the definition of prohibited weapons as defined in Penal Code Sections 12020 and 171b. Prohibited items shall include all weapons or instruments described in the following penal code sections:

- 171b P.C. # Unauthorized possession of weapons in state or local public buildings or at public meetings.
- 244.5 P.C. # Stun gun or taser; assault, punishment.
- 653k P.C. # Switch blade knife/gravity knife having a blade longer than two inches; possession in motor vehicle; carrying; sale or disposition; definitions.
- 12402 P.C. #Tear gas weapon
- 12020P.C. # Manufacture, import, sale, supply or possession of certain weapons and explosives.

#### **Prohibited items by order of the Court shall also include the following:**

General prohibited Items listed as follows:

- Firearms possessed by anyone other than peace officers, regardless of CCW. The only exceptions to this are judicial officers who possess a valid CCW.
- Firearms possessed by peace officers when attending Family Law Court or when the peace officer is a party to an action pending before the Court.
- All bullets and ammunition possessed by anyone other than peace officers, regardless of CCW. The only exceptions to this are judicial officers who possess a valid CCW.
- All taser guns.
- All stun guns.
- All gun#shaped lighters.
- Toy or replica guns.
- Handcuffs # Except those possessed by sworn peace officers.
- Chemical agents listed as follows:
- All mace, pepper gas, animal repellant, butane fuel.

Knives listed as follows:

- Buck type # all size blades.
- Swiss Army/utility type knives # all size blades.
- Butter and steak knives # all size blades.
- Multi#tool type knives # all size blades
- Concealable/disguised knives #all size blades.

Scissors listed as follows:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

- All sewing types with a length in excess of 2 inches.
- Razors listed as follows:
  - Single blades.
  - All box cutters.
  - All "exacto" type tools (open retractable razor With handle).

Tools listed as follows:

- All large tools (screwdrivers, pliers, wrenches, hammers, etc.) in excess of 6 inches in length (screwdrivers not to excess 2 inches in length).
- Ice picks.

Miscellaneous items include:

- Darts.
- Letter openers.
- Pieces of heavy#duty wire/heavy gauge chains with an overall length in excess of 24 inches.
- Laser pointers # Except those for use by attorneys in courtroom presentations.
- Skateboards/skates.
- Needles/syringes (non#diabetic person(s) without prescription)
- Handcuff keys # Except those possessed by sworn peace officers.
- "Come#along" sticks/key chain size.
- Flammable liquids.

**\* Note:** In all cases, a sworn supervisor or their designee may use their discretion to determine if any item (other than those items listed above) presents a safety or security risk to the court environment and may exclude that item from being brought into the court facility when deemed appropriate. When such discretion is exercised, the employee prohibiting a particular item from being brought into the court facility shall prepare a memorandum. The memorandum shall include a description of the item and the justification for not allowing the item into the facility. The memorandum shall be directed to the CPU Lieutenant, via chain of command.

### **347.10 EMERGENCY SITUATIONS**

In the event of an alarm in the Court Facility, **at least one** of the Court Security personnel assigned to entrance security, and others if deemed appropriate by the person in charge of perimeter security, shall remain at the screening station. An alarm may be a planned distraction.

In the event of a perimeter alarm, such as a person exiting or entering the building through an alarmed door, entrance-screening personnel shall respond to the point of the alarm, determine the nature of the situation, and take steps to correct the situation. These actions may include

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Court Facility Entry Screening*

---

determining what occurred and who is responsible, resetting the alarm, securing the door, and issuing a citation to the offender.

During emergency events such as fire, bomb threat, natural disaster, entrance-screening personnel will assist with the orderly evacuation of the Court Facility. This includes preventing persons from entering the facility and coordinating the response of emergency personnel and equipment into the facility.

During an emergency event such as escape attempt, hostage incident, weapons incident, or any other major criminal incident, entrance-screening personnel will lock the doors and secure the perimeter until safety and order is re-established.

## Vehicle Pursuits

### 349.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public, and fleeing suspects (Vehicle Code § 17004.7).

#### 349.1.1 DEFINITIONS

Definitions related to this policy include:

**Blocking** - A preventive maneuver where emergency vehicles are strategically positioned to prevent a suspect from moving their vehicle, usually before a pursuit starts or at low speeds.

**Boxing-in** - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

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

**Roadblock** - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

**Tire deflation device** - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

**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.

### 349.2 POLICY

It is the policy of this office to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

### 349.3 INITIATING A PURSUIT

Deputies who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for deputies and the public.

When balancing the risk of a pursuit with the need to apprehend the suspect, deputies shall consider:

- (a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

- (b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
- (c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, road conditions, environmental conditions (e.g., hills, curves, mountains), and weather conditions.
- (d) The pursuing deputy's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.
- (e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
- (f) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).
- (g) Whether the pursuing unit is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
- (h) The availability of other resources such as air support or vehicle locator/deactivation technology.

#### **349.4 PURSUIT UNITS**

Vehicle pursuits should be limited to three sheriff's office emergency vehicles (two pursuit units and the supervisor vehicle). However, a deputy or supervisor may request that additional units 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 number of suspects.

##### **349.4.1 EMERGENCY EQUIPMENT**

Vehicle pursuits shall only be conducted using authorized sheriff's office vehicles that are equipped with emergency lighting and sirens as required by Vehicle Code § 21055. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Deputies in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

##### **349.4.2 MOTORCYCLES AND UNMARKED UNITS**

When involved in a pursuit, sheriff's office motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

#### 349.4.3 PRIMARY UNIT

The initial pursuing deputy should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit 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 suspect without unreasonable danger to themselves or others.

As soon as practicable, the primary unit should notify Emergency Communications Center of the pursuit, request priority radio traffic, and provide appropriate information including:

- (a) The location, direction of travel, and estimated speed of the pursuit.
- (b) The description of the fleeing vehicle, including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
- (e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- (f) The suspected number of occupants and their identities or descriptions.
- (g) The weather, road, and traffic conditions.
- (h) The need for any additional resources or equipment.
- (i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

#### 349.4.4 SECONDARY UNIT

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

- (a) Notifying Emergency Communications Center of their entry into the pursuit.
- (b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (c) Identifying the need for and requesting additional resources or equipment as appropriate.
- (d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

#### 349.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

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

#### **349.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, deputies involved in the pursuit should adhere to the following:

- (a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- (b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
- (c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
  - 1. Request assistance from available air support.
  - 2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
  - 3. Request other units to observe exits available to the fleeing vehicle.
- (d) Pursuing units should request that Emergency Communications Center notify the California Highway Patrol (CHP) and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

##### **349.5.1 RULES OF THE ROAD**

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

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

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

##### **349.5.2 DEPUTIES NOT INVOLVED IN THE PURSUIT**

Deputies not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

intersections along the pursuit path, deputies are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the sheriff's office vehicle.

Other than clearing intersections along the pursuit path, uninvolved deputies should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing deputies and deputies who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Deputies should not parallel the pursuit route.

#### **349.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

- (a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
- (b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
- (c) Confirming that no more pursuing units than required are involved in the pursuit.
- (d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
- (e) Assessing the emotional state of the deputies involved and directing a deputy to disengage from the pursuit if it appears they are unable to control their emotions.
- (f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
- (g) Verifying that the proper radio channel is being used.
- (h) Confirming the Watch Supervisor has been notified of the pursuit.
- (i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this office.
- (j) Continuing the management and control of Humboldt County Sheriff's Office units when a pursuit enters another jurisdiction.
- (k) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

##### **349.6.1 WATCH SUPERVISOR RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Watch Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

requirements of this policy. The Watch Supervisor has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

#### **349.7 EMERGENCY COMMUNICATIONS CENTER**

Radio communications during a pursuit should 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.

##### **349.7.1 EMERGENCY COMMUNICATIONS 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) Notifying the Watch Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

#### **349.8 INTERJURISDICTIONAL CONSIDERATIONS**

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should 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.

##### **349.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Humboldt County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for office reports.

##### **349.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

Deputies from this office should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

When a request is made for this office to assist or take over a pursuit that has entered the jurisdiction of the Humboldt County Sheriff's Office, the Watch Supervisor or supervisor should review the request as soon as practicable, taking into consideration:

- (a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to deputies and the public.
- (b) Whether there is adequate staffing to continue the pursuit.
- (c) The available units' capabilities to maintain the pursuit.
- (d) The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by deputies of this office should terminate at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this office should 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 the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

#### **349.9 PURSUIT INTERVENTION**

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to deputies and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Deputies should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, a deputy should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Deputies should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

##### **349.9.1 TIRE DEFLATION DEVICE**

Before deploying a tire deflation device, deputies should consider factors such as:

- (a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
- (b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying deputy to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
- (c) Cover - Deployment should occur in a location that provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

- (d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
- (e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying deputies, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

#### 349.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, deputies should consider factors such as:

- (a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or deputy losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the deputy has received training.
- (b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.
- (c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
- (e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

#### 349.9.3 BOXING-IN OR BLOCKING

Boxing-in or blocking should only be used when the suspect's vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

#### 349.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

#### 349.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

### **349.10 TERMINATING A PURSUIT**

The factors considered when initiating a pursuit should be continually reevaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

- (a) A supervisor directs the pursuit to be terminated.
- (b) The location of the fleeing vehicle is no longer known.
- (c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.
- (d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

#### 349.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

#### 349.10.2 APPREHENSION OF SUSPECTS

Deputies should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, a deputy other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

#### **349.11 DEBRIEFING**

Participating deputies should return to the Office as soon as practical following a pursuit to debrief with a supervisor.

#### **349.12 REPORTING REQUIREMENTS**

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

- (a) Pursuing deputies should complete appropriate crime/arrest and pursuit reports.
- (b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Sheriff or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:
  - 1. Date and time of the pursuit.
  - 2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
  - 3. Length of pursuit in distance and time, including the starting and termination points.
  - 4. Involved vehicles and deputies.
  - 5. Alleged offenses.
  - 6. Whether a suspect was apprehended, as well as the means and methods used.
  - 7. Arrestee information, if applicable.
  - 8. Any injuries and/or medical treatment.
  - 9. Any property or equipment damage.
  - 10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Sheriff or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Sheriff should direct an annual documented review and analysis of office vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of deputies, suspects, or case numbers.

##### **349.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS**

The Watch Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Watch Supervisor for review and distribution.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Pursuits*

---

#### **349.13 PURSUIT TRAINING**

The Training Sergeant should ensure that members of this office receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., deputies, supervisors, air units, dispatchers).

Deputy training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

##### **349.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS**

The Training Sergeant shall make available to all deputies initial and supplementary 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.

#### **349.14 POLICY ACKNOWLEDGEMENT**

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.

#### **349.15 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.

# Tsunami Response

## 350.1 PURPOSE AND SCOPE

This policy is intended to provide all members of the Humboldt County Sheriff's Office (HCSO) with information and response guidelines related to tsunamis.

### 350.1.1 DEFINITIONS

Definitions related to this policy are intended to be consistent with 2025 guidance of the National Tsunami Warning Center (NTWC) and include:

**Tsunami** - A series of water surges, usually caused by an earthquake under the sea floor. Tsunamis may result in destructive flooding of vulnerable coastal areas.

**Tsunami Hazard Areas** – Those areas designated as at-risk for inundation on Tsunami Hazard Area maps published by the [California Geological Survey](#). These maps use yellow colors to identify hazard areas representing a worst-case intrusion of big tsunami surges. The maps' green-colored areas show areas of safety where tsunamis are extremely unlikely to penetrate. Anyone in green areas should not have to move further inland because of an earthquake.

**Near-source tsunami (or "local tsunami")** – A tsunami likely to arrive in an hour or less (could be as quick as 10 minutes). Caused by a quake or event from one to 62 miles away, this type has killed the most people of all tsunamis studied around the Pacific.

**Regional tsunami** – A tsunami expected to arrive in one to three hours, typically caused by a quake or event 62-621 miles away.

**Distant-source tsunami (or "distant tsunami")** – A tsunami expected to arrive in three to eight hours, typically caused by a quake or event of 621 to thousands of miles away.

**Tsunami Warning** - A NTWC notification that a tsunami is happening or about to happen, and dangerous coastal flooding & powerful currents are possible. This is the most serious level of tsunami notification messaging. A Warning may be downgraded or canceled.

**Tsunami Advisory** - A NTWC notification that a tsunami event may produce strong currents and waves that may be dangerous to people in or very near the water. An Advisory may be upgraded to a Warning or canceled.

**Tsunami Watch** – A NTWC notification that a distant earthquake has occurred, and tsunami surges hitting the Humboldt coastline are possible, but not yet confirmed. A Watch may be upgraded to an Advisory or a Warning or canceled.

**Tsunami Information Statement** – A NTWC message issued when an earthquake or tsunami of interest has occurred. In most cases, there is no threat of a destructive tsunami and no need to initiate local evacuations. In some cases, after updated information and analysis, information statements for distant events may be upgraded to a Watch, Advisory, or Warning.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

**Cancellation** – A NTWC message that a destructive tsunami will not impact an area, or that a tsunami has diminished and is not expected to cause additional damage.

#### 350.1.2 BACKGROUND

The North Coast is the most earthquake-prone region in the contiguous United States. Very powerful local earthquakes, on- or off-shore, can occur at any time. A catastrophic quake could produce several minutes of destructive ground shaking, buckle roadways, disrupt communications, and trigger a series of devastating tsunami surges that arrive within minutes and continue for hours. A separate but related risk is powerful regional- or distant-source tsunami surges inundating our coastline from an undersea earthquake or landslide occurring hundreds or thousands of miles away.

When strong tsunami surges arrive on land, especially from local quakes, they can quickly overtake people and vehicles, inflicting injury, death, and destroying property. Any member of this Office (and their vehicle and equipment) lost to a tsunami would complicate the immediate response and reduce effectiveness of the longer-term response. It is therefore unreasonable for members of this Office to deliberately enter or unnecessarily remain in a tsunami hazard area when there is a reasonable perception that a strong tsunami may be arriving within an hour. (Guidance regarding "reasonable perception" is found in the Policy section immediately below.)

#### 350.2 POLICY

##### 350.2.1 WHEN TO AVOID TSUNAMI HAZARD AREAS

It is the policy of the Humboldt County Sheriff's Office to avoid intentionally deploying into or keeping its members within tsunami hazard areas when there is a reasonable perception that surges of a strong tsunami may arrive in less than one hour.

##### 350.2.2 REASONABLE PERCEPTION OF TSUNAMI RISK

Factors supporting reasonable perception include, but are not limited to, being in the area shaded yellow in current Tsunami Hazard Area maps published by the [California Geological Survey](#) (also saved to the County Share drive within Sheriff/OES Activations) after:

- (a) Experiencing one full minute or more of ground shaking.
- (b) Observing one surge come in and go out, a rapidly receding or receded shoreline, unusual waves and sounds, strong currents, water moving rapidly out to sea, a gentle rising tide-like flood with no breaking wave, a series of breaking waves or a frothy wall of water; and/or receiving reliable real-time reports of surges inundating nearby areas.
- (c) Reception of an official Tsunami Warning issued by the NTWC with an estimated time of arrival (ETA) of the first surges to reach the Humboldt shore in less than one hour, unless HCSO incident leadership determines that local deviation from NTWC Warning guidance is reasonable and appropriate (refer § 350.2.4).

Members perceiving any of the factors described in subsections (a) or (b) above should not wait for an official warning message originating from the NTWC before moving out of hazard areas.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

Anyone located in an area shaded green on the Tsunami Hazard Area maps published by the California Geological Survey should not be reasonably perceived to be at risk from a tsunami.

#### 350.2.3 ORIGINATING RESOURCE FOR TSUNAMI INFORMATION

When seeking current governmental data-driven information about tsunami events potentially affecting the Humboldt coastline, the definitive originating resource should be the National Tsunami Warning Center (NTWC) in Alaska, [tsunami.gov](https://tsunami.gov).

The NTWC has sometimes issued strongly-worded Warnings to overly broad geographic areas.

#### 350.2.4 ADDITIONAL CREDIBLE SOURCES OF INFORMATION

To interpret and reasonably apply NTWC information locally, authorized HCSO and Humboldt County Office of Emergency services (HumCo OES) members may consider the analysis and opinions of knowledgeable government professionals such as:

- (a) Eureka- or California-based members of the National Weather Service (NWS).
- (b) California Office of Emergency Services (Cal OES) Seismic Hazards members.
- (c) California Geological Survey members.

After considering information from credible sources such as those listed above, HCSO incident response leaders may deviate from NTWC guidance as reasonable for the perceived situation.

#### 350.2.5 "T-MINUS" CONCEPT

A "T-Minus" approach may be used to describe the local ETA of the first tsunami surges in a Tsunami Warning situation. Information should be regularly updated or repeated as new information is received and/or conditions change.

- (a) HCSO incident leadership, supported by HumCo OES, is responsible for setting and updating the ETA used for a "T-Minus" approach, based upon consideration of information from the NTWC and credible government sources (§ 350.2.4).
- (b) At "T-Minus One Hour", all members should be ordered to withdraw from tsunami hazard areas.
- (c) The ETA and "T-Minus" times may be updated as new information is received.

#### 350.2.6 AREA CLOSURES, EVACUATION ORDERS, AND "ALL CLEAR" DETERMINATION

Although the NTWC issues and cancels official Tsunami Warnings and Advisories, it is normally the responsibility of the agency of geographic jurisdiction (e.g., special district, city, county, state, tribal, or federal governmental organization responsible for affected land in the Humboldt OA) to determine when:

- (a) An area should be closed to the public.
- (b) An Evacuation Order should be given to civilians to leave an area.
- (c) Government responders should be ordered to leave an area.
- (d) It is "all clear" for government responders to enter or re-enter a closed area.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

- (e) A civilian Evacuation Order should be lifted.
- (f) Civilians should be permitted to enter or re-enter closed tsunami hazard areas.

The Sheriff, supported by HCSO incident leadership and HumCo OES, should be the authority for the above determinations in areas where HCSO has primary geographic jurisdiction.

Media access to closed areas should be managed in accordance with the guidance of Media Relations Policy 323.

#### 350.2.7 EVACUATION PATROLS

HCSO members may be temporarily deployed into tsunami hazard areas to promote timely civilian evacuation as follows:

- (a) When a regional- or distant-source Tsunami Warning event is predicted to bring land-inundating surges arriving no sooner than two to three hours.
- (b) Use of sirens set to "Hi-Lo" (Vehicle Code § 27002) may be authorized in Tsunami Warning situation patrols.
- (c) In a Tsunami Warning, all members of HCSO and assisting entities should withdraw to safe areas at least one hour prior to the projected ETA of the first surges.
- (d) In a Tsunami Advisory, patrols may be initiated but should focus on beaches and waterfront areas. Strong waves and dangerous currents are likely. When the ETA indicates first surges will arrive in less than an hour, members should stay out of the water, upslope from the ocean, and off docks, piers, or vessels in the water. The use of "Hi-Lo" sirens is generally not appropriate for Advisory situations.
- (e) In a Tsunami Watch, evacuation patrols should not be initiated.
- (f) Consideration may be given to known populations of individuals (e.g., homeless, children, those over 60) that may find it challenging to evacuate from hazard areas.

#### 350.2.8 GEOGRAPHIC SPECIAL ASSIGNMENT

- (a) When a Tsunami Warning, roadway damage, and/or other hazards result in "isolated islands" of people separated from one another, HCSO members may be authorized to work in the safe areas they are currently in or can reasonably reach.
- (b) When the ETA of first surges in a Tsunami Warning situation reasonably allows time to do so, HCSO incident leadership may direct the pre-positioning of resources to specific areas before surges arrive and create "isolated islands" of people.

#### 350.2.9 RESPONSE PRIORITIES

Field response priorities for the first hours and days after a destructive tsunami (and/or earthquake) are:

- (a) Protecting/preserving human life;
- (b) Stabilizing hazardous emergency incidents;
- (c) Stabilizing and protecting community lifelines, critical infrastructure, key resources;
- (d) Protecting: property; cultural and historical resources; and, the environment; and,

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

- (e) Reporting impacts from the tsunami/earthquake to HumCo OES.

#### 350.2.10 EMERGENCY ASSIGNMENTS

Members may, if reasonably able, be assigned to emergency duties and activities consistent with applicable provisions of policy, code, and law.

### 350.3 RECEIVING AND SHARING WARNING INFORMATION

#### 350.3.1 WARNING RECEPTION PATHWAYS

Tsunami Warnings originating from the NTWC may be received by members via various pathways, including but not limited to:

- (a) The National Warning System (NAWAS) telephone landline at the HCSO Emergency Communications Center.
- (b) Cal OES Statewide Warning Center (CSWC) phone calls, faxes, and/or California Law Enforcement Teletype System (CLETS) teletypes.
- (c) Federal alerting systems such as Wireless Emergency Alerts (WEAs), Emergency Alert System (EAS) TV/radio messages, and NOAA Weather Radio (NWR).
- (d) Local alert and warning pathways such as HumCo OES phone, text, and email messages sent via [Humboldt ALERT](#) systems.
- (e) Official National Oceanographic and Atmospheric Administration (NOAA) sources such as the NTWC website [tsunami.gov](https://tsunami.gov) or communication from [Eureka Weather Forecast Office](#) (WFO) of the National Weather Service (NWS).
- (f) Reliable HCSO and HumCo OES members relaying official NTWC Warnings.

#### 350.3.2 SHARING NEAR- OR REGIONAL-SOURCE TSUNAMI WARNINGS WITHIN HCSO

Members receiving NTWC near- or regional-source Tsunami Warnings should ensure that critical Warning information (e.g., NTWC forecasted ETA of first surges at coastal Humboldt locations) has been promptly received by:

- (a) The sworn on-duty Shift Supervisor for field operations.
- (b) All on-duty HCSO members who may be currently deployed in or traveling into tsunami hazard areas.
- (c) On-duty members of HumCo OES (or after-hours, the on-call member).
- (d) The weekly Duty Officer/Watch Commander (who should then notify the Undersheriff and Sheriff to establish the HCSO leadership for the incident).
- (e) The Sheriff's on-duty or on-call Public Information Officer (PIO).

#### 350.3.3 SHARING DISTANT-SOURCE TSUNAMI WARNINGS WITHIN HCSO

Members receiving NTWC distant source Warnings should ensure that current Warning information (e.g., ETA of first surges at Humboldt coast) has been promptly received by:

- (a) On-duty members of HumCo OES (or after-hours, the on-call member). HumCo OES should carry out subsequent notifications to the Duty Officer/Watch Commander, the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

Undersheriff, Sheriff, and the PIO. An HCSO leadership structure for the incident should be established during these notifications.

- (b) The sworn on-duty Shift Supervisor for field operations for situational awareness.

#### **350.4 DURING PROLONGED LOCAL SHAKING**

##### **350.4.1 DROP, COVER, AND HOLD ON**

Members who feel significant ground shaking should stay in one place, drop down to the floor, move under a sturdy piece of furniture, and hold on until the shaking stops.

##### **350.4.2 TRACK OR ESTIMATE HOW LONG THE SHAKING LASTS**

Members should, if they reasonably can, gauge how long the shaking lasted by using a watch or counting the seconds as they pass.

##### **350.4.3 SEVERITY INCREASES WITH ELAPSED TIME OF SHAKING**

Duration is the best indicator of the earthquake's likely magnitude and its tsunami-generating potential. The longer the shaking continues, infrastructure damage and the arrival of destructive tsunami surges become more likely. The 2011 Tohoku Great East Japan Earthquake caused six minutes of shaking, severe damage, and devastating tsunami surges onto nearby coastlines.

#### **350.5 AFTER THE SHAKING OR TSUNAMI NOTIFICATION**

##### **350.5.1 MEMBERS RESPONSIBILITIES**

- (a) All HCSO members should seek to initially determine, then consider for the duration of the response, if a reasonable perception exists that the first surges of a destructive tsunami may arrive within 10 minutes to one hour (refer § 350.2).
  - 1. When a powerful earthquake produces prolonged (one minute or longer) local shaking, all members should expect that destructive surges from a near-source tsunami will arrive in as little as 10 minutes and immediately get out and stay out of tsunami hazard areas until they receive official information (e.g., continuing Warning, Warning is downgraded to Advisory or cancelled).
  - 2. Members who perceive unusually-long periods of shaking but who are unsure of the shaking's duration should not hesitate to evacuate tsunami hazard areas. Preparedness guidance for the public encourages this behavior ("When in doubt, drill it out!"); erring on the side of caution may save members' lives.
  - 3. Members who see a tsunami surge come in and recede should NOT move closer to the ocean or remain within a tsunami hazard area. Multiple surges are likely to occur, and the first surge is NOT the biggest. People watching the first or second surge have been killed by the third.
- (b) When a NTWC Tsunami Warning indicates that surges will be arriving within one hour, members should immediately leave tsunami hazard areas, unless HCSO incident leadership finds that information from other credible sources (§ 350.2.4) indicates an alternate approach for the local situation is reasonable and justified.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

1. Members should expect that an NTCW Tsunami Warning may continue for hours (or even days) before cancellation.
  2. In a Tsunami Warning situation, members should consider leaving tsunami hazard areas on foot because traffic gridlock and/or damaged roadways are possible. If these or other factors interfere with vehicle travel, members should go on foot, moving inland, upslope, and/or higher in elevation. If evacuation appears impossible, members should go to the top floor of a sturdy building or climb a tree, but only as a last resort.
  3. In a Tsunami Warning, if time and conditions reasonably allow, members may move HCSO vehicles and vessels inland, out of hazard areas.
  4. In a Tsunami Warning, members operating vessels should generally seek to rapidly evacuate tsunami hazard areas by motoring inland, away from the coast. Heading to the open ocean is not recommended unless there is plenty of time to reach deep waters (30 fathoms or more) before the first surges arrive, and the vessel and crew are prepared to stay out in the ocean for hours or even days. Obstacles and damage to ports should be expected.
- (c) In a Tsunami Advisory situation, members should stay out of the water, and away from beaches and waterways. They should also follow the steps described in the Tsunami Watch situation subsection immediately below.
- (d) In a Tsunami Watch situation, members should access and recheck tsunami hazard area maps, review their evacuation routes, and be ready to act quickly if the hazard escalates to a Tsunami Warning situation.
- (e) Members should expect strong aftershocks in the hours and days after a big quake. On rare occasions, a moderate to large earthquake can be followed by an even larger quake.
- (f) Members should expect and engage in the use of the Incident Command System (ICS) during multi-agency response to a tsunami event. Refer ICS Policy 401.
- (g) All members should maintain: current understanding of earthquake and tsunami hazards; awareness of tsunami hazard areas; and, familiarity with preparedness and response procedures for both on-duty and off-duty incidents.

#### 350.5.2 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors should follow, as applicable, the guidelines for all members, § 350.5.1.
- (b) Supervisors should assume appropriate leadership roles when an earthquake and/or tsunami event occurs. Supervisors should ensure that every member has one supervisor for the incident, and that all supervisors track their subordinates.
- (c) Supervisors should seek current situation assessment information and response posture updates from HCSO incident leadership, supported by HumCo OES. This guidance may include interpretation and local application of information issued by the NTCW tsunami.gov and other credible government sources (§ 350.2.4).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

- (d) Supervisors should ensure that pertinent information is passed on to members in the field.
- (e) Supervisors should coordinate and verbally communicate with their subordinates and the HCSO Emergency Communications Center regarding geographic special assignment and the permission and timing of members evacuating from, deploying into, passing through, remaining in, or staying out of tsunami hazard areas. Guidance should include when and where travel is authorized on roads and highways in hazard areas.
- (f) Supervisors should, when reasonable and appropriate, order subordinates to get out and/or stay out of tsunami hazard areas.
- (g) Supervisors may assign, as reasonable and appropriate, trained and equipped members to activities intended to reduce the numbers of people in tsunami hazard areas. Activities outside tsunami hazard areas could include, but are not limited to, roadblocks, traffic control, and verbal advisements.
- (h) Supervisors should support the use of ICS and related doctrine (e.g., Unified Command, Area Command) to effectively manage responses across multiple separate incidents, agencies, and jurisdictions (Refer ICS Policy 401).

#### 350.5.3 MANAGEMENT RESPONSIBILITIES

- (a) HCSO Managers should follow, as applicable, the guidelines for all members (§ 350.5.1) and supervisors (§ 350.5.2).
- (b) Managers should ensure that an effective HCSO incident response leadership structure, consistent with ICS doctrine, is established in a timely manner. Leaders should be clearly identified by their name and assignment for the incident. Some approaches for organizing and managing the response to a complex emergency situation or large-area disaster, including use of Unified Command and/or Area Command, are summarized in ICS Policy 401.
- (c) Managers should support the Sheriff, who as per County Code, is the Director of Emergency Services for the County of Humboldt Operational Area. As Director, the Sheriff has legal powers, authorities, and responsibilities, including controlling and directing the efforts of the county emergency organization. The Sheriff may serve as "OA Command", providing overall leadership and direction.
- (d) Managers should ensure that a close relationship of communication and coordination is maintained between HCSO incident leadership and HumCo OES. The HCSO Duty Officer/Watch Commander or other designated leader may be physically embedded in the Humboldt OA EOC.
- (e) Managers should ensure that interagency communication and response coordination is established with key local entities, such as the Cal Fire Emergency Command Center and the Fire and Rescue Coordinator for the Humboldt OA.
- (f) In accordance with current procedures, the Sheriff and/or authorized managers may review and approve County of Humboldt emergency public information products including alerts, warnings, notifications, and orders.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

#### 350.5.4 SHERIFF'S OFFICE OF EMERGENCY SERVICES RESPONSIBILITIES

When a powerful earthquake produces prolonged (one minute or longer) local shaking, and/or the NTWC issues a Tsunami Warning, members of HumCo OES should, as reasonable and practicable for the circumstances:

- Activate and staff the EOC for a Tsunami Warning (the EOC activation level for a lesser hazard notification depends on situational factors).
- Monitor, receive, and analyze pertinent information and emergency notifications from credible government sources and/or members including but not limited to the :
  - [National Tsunami Warning Center \(NTWC\) in Alaska.](#)
  - National Weather Service (NWS) [Eureka Weather Forecast Office \(WFO\).](#)
  - [Cal OES California State Warning Center \(CSWC\) near Sacramento.](#)
  - [Cal OES Seismic Hazards Branch.](#)
  - [California Geological Survey.](#)
- Connect with HCSO incident leadership; welcome assigned HCSO leader to EOC.
- Establish communication and coordination with the NWS Eureka WFO.
- Establish communication and coordination with HCSO incident leadership, dispatchers in the HCSO Emergency Communications Center, and the HCSO PIO.
- Prepare and issue alerts, warnings, notifications, orders, and other emergency public information communication products as appropriate for the situation and in accordance with current review and approval procedures.
- Prepare and issue hazard reduction and/or cancellation messaging via appropriate platforms and pathways. This may include issuing cancellations based on updated federal tsunami authority information if that authority does not cancel their own past Warnings, Advisories, and/or Watches in the same pathways they were first sent.
- Establish and maintain communication and coordination with HCSO incident leadership and key partner entities across the Humboldt Operational Area (OA), promoting a unified and coordinated response and consistent public messaging.
- Collect, analyze, and share information/intelligence including reported impacts, ongoing or projected hazards, potential impacts, and populations at risk. Develop and periodically update informational reports about the situation.
- Regularly share information with County leaders, OA partner entities, and Cal OES.
- Consistent with the California Standardized Emergency Management System (SEMS), represent the Humboldt County OA, serving as the coordination and communication link between the Local Government Level and the Regional Level.
- Support resource-sharing, resource requesting, transportation, evacuation/mass care/shelter, and other operational needs as appropriate.

#### 350.6 TSUNAMI PUBLIC INFORMATION PROCESSES



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

#### 350.6.1 OFFICIAL DETERMINATION OF TSUNAMI RISK CLASSIFICATION

- (a) Powerful undersea earthquakes and other events that may produce a tsunami impacting Humboldt should be quickly detected by the [NTWC](#) in Palmer, Alaska.
- (b) The NTWC should analyze the preliminary earthquake information (location, depth, and magnitude) received from seismic networks available within the first few minutes after a quake.
- (c) Within about 5-15 minutes, the NTWC should make an initial determination of tsunami risk and may assign an initial classification level for the situation, such as Tsunami Warning, Advisory, Watch, or Information Statement.
- (d) Subsequent NTWC messages and alerts are based on impact estimation resulting from sources such as seismic analysis, water-level measurements, tsunami forecast model results, and historical tsunami information.
- (e) Recent NTWC messages should be posted to a matrix on [tsunami.gov](#) and also sent directly to selected government entities and officials, including the CSWC.

#### 350.6.2 CRITERIA FOR NTWC TO DIRECTLY MESSAGE THE PUBLIC

As of 2025, direct notification from the NTWC to the general public is generally limited to Tsunami Warning or Advisory situations.

- (a) As of 2025, Tsunami Warnings are typically issued following Pacific Ocean coastal earthquakes magnitude 7.1 or greater.
- (b) Tsunami height also affects alert selection. As of 2025, the NTWC generally issues a Tsunami Warning if the forecast or observed tsunami surge height exceeds one meter (3.3 feet) or the impact is unknown, and a Tsunami Advisory if the forecast surge height is between one foot and one meter or the observed height is between one-half and one meter.
- (c) Projected tsunami surge height exceeding one meter on one small piece of shoreline may result in NTWC classifying miles and miles of the adjacent county coast as being in a Tsunami Warning situation.

The NTWC may then initiate direct public notification as described in the subsection below.

#### 350.6.3 NTWC PUBLIC ALERT, WARNING, AND NOTIFICATION PATHWAYS

The NTWC may initiate direct public notifications through federal alerting pathways of the Integrated Public Alert and Warning System (IPAWS) including:

- (a) Wireless Emergency Alerts (WEAs) sent through North Coast cell towers to cell phones and mobile devices.
- (b) Emergency Alert System (EAS) recorded voice messages and text scrolling on television screens and on radio stations.
- (c) NOAA All-Hazards Weather Radio broadcasts.
- (d) NOAA/National Weather Service internet-based platforms and applications.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

Indirectly, secondary public alerting may be triggered by new NTWC messaging because private party automated systems may detect and forward NTWC messaging to other publicly-monitored sources and platforms.

#### 350.6.4 ADDITIONAL FEDERAL NOTIFICATION PATHWAYS

- (a) The Coast Guard Sector Humboldt Bay may make radio broadcasts to vessels on marine frequencies.
- (b) The Federal Aviation Administration (FAA) may initiate radio broadcasts to pilots intending to use coastal airports. Notices to Air Missions (NOTAMs) may be used. County of Humboldt Aviation members may assist in initiating these efforts.

#### 350.6.5 STATE NOTIFICATION PATHWAYS

- (a) Cal OES staff at the CSWC may issue local emergency messaging indirectly to the public through information sent to county warning points for dissemination, or directly to the public via authorized federal pathways including WEA and EAS.
- (b) The CSWC has the capability of requesting activation of the federal Civil Air Patrol (if time and conditions reasonably permit) for deployment of fixed-wing aircraft with loudspeakers broadcasting short audible emergency messages intended to be loud and reasonably clear to people below them on an isolated coastline or beach. Such messaging could be appropriate in any tsunami event when surges are expected.
- (c) The Caltrans District 1 Transportation Management Center (TMC) may be able to post emergency messages on electronic Changeable Message Signs (CMS) above local freeways. Coordination may be required from the California Highway Patrol's Emergency Notification and Tactical Alert Center (ENTAC) in Sacramento.
- (d) State entities responsible for coastal lands may use word-of-mouth, post signs, and close roads and trails into tsunami hazard areas.
- (e) Cal Poly Humboldt and College of the Redwoods have some of the approaches described in the next subsection, Tribal and Local Notification Pathways.

#### 350.6.6 TRIBAL AND LOCAL ENTITY NOTIFICATION PATHWAYS

Tribes and local government entities in Humboldt County may issue emergency messaging to the public in various ways. Each has different capabilities, and many organizations have an alert and warning platform for their own audiences. Members of the public may receive messages from more than one entity. Consistent messaging is critical. Some of the methods and pathways described in the next two subsections may be adapted by partner entities.

#### 350.6.7 SHERIFF'S OFFICE NOTIFICATION PATHWAYS IN SAFE AREAS

Outside tsunami hazard areas, HumCo OES and other HCSO members may consider the following activities and pathways to prepare and disseminate emergency public information:

- (a) Monitoring and analyzing current information originating from the NTWC, including alerts, warnings, notifications, statements, and cancellations. As reasonable on appropriate platforms, content from these products may be forwarded to the public.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

- (b) Changing the status of zones in hazard areas on the [Genasys Protect](#) platform.
- (c) Using the [Humboldt ALERT](#) internet-based mass notification platform to message the public via automated: voice calls to landline or mobile phone numbers; text messages; emails; and TDD/TDY (for hearing-impaired people).
- (d) Issuing news flashes, posting notifications to social media and websites, and enabling RSS feeds.
- (e) Encouraging partner entities to electronically redistribute official federal, state, and/or HumCo OES messaging to their own audiences.
- (f) Issuing press releases, holding press conferences or media interviews, or arranging for an official to go live on local TV, radio, or streaming platform.

#### 350.6.8 SHERIFF'S OFFICE NOTIFICATION PATHWAYS IN HAZARD AREAS

Within tsunami hazard areas, only when there is a reasonable perception that damaging tsunami surges are not expected for well over an hour, members may be authorized to temporarily deploy into tsunami hazard areas where they may communicate emergency public information, such as:

- (a) Closing coastal-access roads, trails, and posting signs.
- (b) Door-to-door and face-to-face notifications by HCSO members and/or by partner entity personnel.
- (c) Use of bullhorns or mobile public address speakers.
- (d) Patrolling with a Hi-Lo siren as an alert & warning signal to evacuate.

#### 350.6.9 TSUNAMI SIRENS

As of 2025, the County of Humboldt is not responsible for the installation, maintenance, or operation of fixed tsunami warning sirens. Other entities may operate warning sirens in some areas (e.g., Shelter Cove), but members should not assume they will function as intended when a warning is issued. No one should wait to hear a siren before concluding that an unfolding situation is serious enough to initiate evacuations or other protective actions. Nevertheless, when a siren is sounding, members should consider why, especially if they are in a tsunami hazard area.

#### 350.6.10 MANAGING TOTAL VOLUME AND PATHWAYS OF MESSAGES

HumCo OES and its partners in the Humboldt OA should seek to support one another through coordinated and consistent public messaging.

Consideration should be given to the total number and frequency of urgent emergency messages received by targeted populations and the possibility that some recipients could become so fatigued with intrusive alert and warning messages that they disregard some important government communication (or turn off notification features completely).

Public information managers should seek to reasonably manage the total volume, frequency, and delivery pathways of different messages so that people are adequately and accurately informed but not overwhelmed.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Tsunami Response*

---

#### 350.6.11 TSUNAMI WARNING CANCELLATION OR REDUCTION

- (a) The NTWC may not announce the cancellation or reduction of their own past Warnings, Advisories, and/or Watches on all of the same public notification pathways that they were originally disseminated (e.g., the NTWC may have issued a public Tsunami Warning via WEA but not the subsequent Cancellation).
- (b) HumCo OES should seek coordination with the NWS Eureka WFO regarding local public information efforts and activities.
- (c) Reasonably soon after HumCo OES receives reliable information of NTWC cancellation or reduction of its tsunami messages, that information should be shared with OA partners and the public via appropriate pathways.

#### **350.7 PUBLIC EDUCATION AND PREPAREDNESS RESOURCES**

All members are encouraged to regularly review, consider, apply, and share public information found in emergency preparedness programs and products from reputable government-aligned sources. Such sources and products include, but are not limited to:

- [Redwood Coast Tsunami Work Group](#) and current [Living on Shaky Ground](#) magazine.
- [California Geological Survey](#) and its [Earthquakes](#) and [Tsunami Maps](#) webpages.
- The National Weather Service and its [Tsunami Safety webpages](#).
- The NOAA and its National Weather Service Tsunami Warning System website.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

#### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Humboldt County Sheriff's Office, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature
- (d) Investigation of both criminal and non-criminal acts
- (e) The apprehension of criminal offenders
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other division within the office, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies
- (i) Traffic direction and control

### 400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Office should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Patrol Function*

---

#### 400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Division for distribution to all divisions within the Office through daily and special bulletins.

#### 400.2.2 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol Briefings as time permits.

### **400.3 CROWDS, EVENTS AND GATHERINGS**

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

### **400.4 POLICY**

The Humboldt County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

### **400.5 FUNCTION**

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Humboldt County Sheriff's Office. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Patrol Function*

---

- (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.



# Use of the Incident Command System (ICS)

## 401.1 USE OF INCIDENT COMMAND SYSTEM (ICS)

### 401.1 PURPOSE AND SCOPE

This policy provides all members with guidelines for use of the Incident Command System.

The Incident Command System (ICS) is a standardized but flexible, on-scene, all-hazards, integrated incident management concept that has been widely adopted and proven effective. The ICS includes a scalable organizational framework within which representatives from different departments and agencies can work together effectively, even if they do not routinely work together, to respond to disasters, emergencies, and planned and unplanned incidents of varying types, size, and complexity. The use of ICS is particularly important in Humboldt County, where many small entities, agencies, and jurisdictions must cooperate to be successful.

The ICS is a critical component in California's Standardized Emergency Management System (SEMS) and in the National Incident Management System (NIMS). The adoption and use of ICS are required to be in compliance with SEMS and NIMS regulations. Use of ICS is often required for government reimbursements of emergency response expenses, and/or for funding of certain specialized grants (Government Code § 8607(e)1; HSPD-5).

### 401.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to utilize ICS to coordinate multiple-jurisdiction or multiple-agency emergency and disaster operations (Government Code § 8607(d)).

Members of the HCSO may use ICS concepts and procedures even when the incident involves HCSO as the only jurisdiction and response agency. Members are encouraged to use ICS in small emergency incidents, planned events, and trainings to develop and maintain the skills and knowledge needed to effectively organize and respond to large and/or complex emergencies and disasters.

When HCSO members are assigned to assist another jurisdiction that is using ICS to manage an incident, emergency, or disaster, applicable provisions of this policy should be followed.

#### 401.2.1 AUTHORIZED RESOURCES FOR ICS GUIDANCE

Members should use currently applicable federal (FEMA, NIMS) and state (Cal OES, Firescope, SEMS) trainings, manuals, and reference materials as the preferred resources for the implementation of ICS. Consideration may also be given to local agencies' protocols and procedures, but any significant deviation from current state and federal ICS guidance should be carefully evaluated and approved by an appropriate authority.

#### 401.2.2 CRITERIA FOR INITIATING USE OF ICS IN UNPLANNED INCIDENTS

Deputies should use ICS in response to unplanned emergencies and disasters involving multiple jurisdictions and/or multiple response agencies, whenever the situation reasonably appears to be serious, complex, and involves one or more of the following conditions:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

- (a) Multiple agencies/jurisdictions involved.
- (b) A natural disaster with serious and/or spreading dangerous conditions (e.g., earthquake, flood, landslide, pandemic, tsunami, volcanic event, wildland fire).
- (c) An accidental emergency or disaster of a serious nature (e.g., airplane or bus crash, building collapse, dam failure, hazardous materials incident, large oil spill).
- (d) An unplanned incident threatening the life safety of the community, and/or has high-profile interest to the public (e.g., barricaded subject, bomb threat, celebrity/dignitary in peril; civil unrest/riot, hostage situation, manhunt for dangerous suspect, missing person in immediate peril, officer-involved shooting, search and rescue operations).

Note: During initial response to a criminal multi-casualty incident (CMCI) in progress (e.g., active shooter, bombing, edged weapon attack, vehicle ramming), the ICS should be implemented as soon as reasonable and practicable. The first deputies on-scene may choose to take immediate action, while requesting additional assistance. Refer Rapid Response and Deployment Policy.

#### **401.3 FIELD LEVEL USE OF ICS AT AN INCIDENT**

##### **401.3.1 INCIDENT COMMANDER REQUIRED**

An Incident Commander (IC) must be present at the incident, and their identity clearly communicated to all involved or affected personnel. The IC is the only position that is always staffed in ICS applications.

##### **401.3.2 INCIDENT COMMANDER RESPONSIBILITY**

The member serving as IC has overall authority and responsibility for incident operations. The IC should identify the priorities, establish incident objectives, determine strategies, order resources, develop an ICS structure based on the incident and objectives, and manage the response.

##### **401.3.3 DESIGNATION OF IC AND OTHER ICS LEADERS**

- (a) Leadership designation in an ICS organization should not be solely based on seniority. The IC and other leaders should be selected on who has the most appropriate combination of:
  - Training, knowledge, experience, and expertise needed for the incident;
  - ICS knowledge, management skills, and leadership abilities;
  - Jurisdiction (legal, geographical) and discipline (e.g., Law, Fire, Public Works); and
  - Supervisory authority (rank).
- (a) When a hazardous substance incident (e.g., HazMat spill) occurs:
  - 1. On a county public roadway, a deputy may temporarily serve as IC before transferring IC responsibility to an arriving officer of the California Highway Patrol.
  - 2. On a city-owned roadway of a contract city served by HCSO, a deputy should serve as IC. However, as per Vehicle Code § 2454, the IC manages and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

coordinates the overall response, not dictating how specialized functions are to be performed.

3. On any other property, the IC may be from a response agency (e.g., fire department, environmental services), the property's owner/manager, or the transporting entity, as appropriate for the situation. In the absence of any other resource, a deputy may temporarily serve as IC, but should immediately request assistance and transfer IC responsibility as soon as practicable.

#### 401.3.4 DESIGNATION OF INCIDENT COMMAND POST AND OTHER FACILITIES

Members should support the prompt establishment of one Incident Command Post (ICP). Other facilities are optional, dependent on the circumstances and the wishes of the IC.

- (a) The ICP should be near the incident (generally not at the HCSO Main Station or HCSO Emergency Operations Center). The IC should remain at the ICP until relieved.
- (b) The ICP should be established in a "Cold Zone" incident support location, meaning that no significant danger or threat is reasonably perceived or anticipated there. If a danger or threat to the ICP becomes apparent, the ICP should be moved to a safer location, and the IC should move with it.
- (c) The ICP's location should be promptly communicated to involved/affected personnel.
- (d) Additional ICS facilities should be consistent with state/federal guidance and local protocols. These may include but are not limited to: Staging Area; Tactical Operations Center/Tactical Command Post; Negotiations Operations Center; Media Area; Patient Triage/Treatment/Transportation Area; Forward Operating Branch; Casualty Collection Point; Evacuee Collection Area; Incident Base; Local Assistance Center.

#### 401.3.5 USE OF ICS TERMINOLOGY

Members involved with or assigned to an ICS organization should use ICS terms whenever practicable for organizational functions, position titles, incident facilities, and resources. Law enforcement "Ten-Codes" should be avoided, and plain speech used instead.

#### 401.3.6 MAINTAINING UNITY OF COMMAND AND CHAIN OF COMMAND

Everyone assigned to an ICS organization (except the IC) should have only one ICS supervisor to whom they report. Members who are assigned more than one supervisor in the ICS, or who do not know to whom they report, should promptly attempt to resolve the issue. Members working in an ICS organization should follow the ICS chain of command during their assignment.

#### 401.3.7 MANAGING SPAN OF CONTROL, EVERY TEAM WITH A LEADER

Everyone assigned to an ICS organization should be organized within a clear leader-subordinate structure. The span of control for each leader should be three to seven subordinates (depending on conditions, duties, abilities, safety, etc.). An individual leader is often most effective with approximately five subordinate workers (1:5). Members encountering a problem of span of control or a team without a leader should seek to resolve the issue.

#### 401.3.8 USE OF MODULAR ORGANIZATION

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

Members should support modular development of an ICS organization based on the nature, size, complexity, hazards, and anticipated duration of an incident. Although ICS has a standardized framework, only the elements required to meet response objectives should be activated (staffed). The functions of any non-activated element should be the responsibility of the next highest staffed element in the organization.

#### 401.3.9 FUNCTIONAL AREAS AND SECTION CHIEFS

A deputy serving as IC should activate (assign staff to) only those functional areas currently needed for effective management of the incident while maintaining reasonable spans of control. When a functional area grows in size and/or importance, it should be identified as a "Section", and a leader ("Section Chief") should be assigned to manage that functional area as soon as reasonably practicable. Until a Section Chief is assigned, the IC should manage that functional area. During the first minutes of an emergency, Teams, Task Forces, and Units may be activated, deployed, and supervised directly by the IC prior to appointment of anyone as a Section Chief.

Functional areas that may be activated include:

- (a) **Operations** ("Hands-on" work or tactical activities to achieve response objectives)
- (b) **Planning/Intelligence** (Prepares plan; collects and analyzes information)
- (c) **Logistics** (Gets resources and support to the response effort and the responders)
- (d) **Finance/Administration** (Monitors personnel time, costs and purchasing; contracts)

Note: NIMS provides an option to create an "Intelligence/Investigations Section" for the functions of gathering, documentation, and analysis of sensitive and detailed information in complicated incidents such as acts of terrorism. In all but the most complex field responses, the resources for these activities should be normally placed within the Planning or Operations Sections.

#### 401.3.10 INCIDENT ACTION PLANNING

When ICS is used for any incident, planned or unplanned, the IC must ensure an Incident Action Plan (IAP) is developed and effectively communicated to response personnel in a timely manner.

- (a) The first IAP(s) may be verbal, including but not limited to a "Leader's Intent" statement communicated via radio in the first moments after arrival.
- (a) During a lengthy response, subsequent IAPs may be written (ICS forms, consistent with NIMS/FEMA models, should be used). Members of the Sheriff's Office of Emergency Services (HCSO OES) may be available to assist in the development of forms, IAPs, and/or provide guidance related to ICS organizational structures.
- (a) The IC and assisting personnel developing the IAP should consider the following:
  - **Priorities** (e.g., life safety; stabilize scene, protect property, environment, crime scene, and evidence; ensure viability of prosecution; restore normalcy);
  - **Objectives** (specific, measurable, attainable, reasonable goals to pursue the Priorities, with timeframes);
  - **Strategies** (the actions and resources to achieve the Objectives); and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

- **Tactics/Tasks/Activities** (the language defining how specific actions will be performed and measured, specifying who/what/where/when).

To be effective, the IAP should:

- Cover a specified timeframe or "operational period"
- Specify the operational period objectives or "what must be accomplished"
- State the activities to be completed or "how it will be done"
- Assign roles/tasks or "who is responsible"
- Identify needed resources
- Specify communication protocols
- Identify safety constraints and procedures for responder safety

#### 401.3.11 MANAGING COMMUNICATIONS

The IC should ensure that a communications plan is developed and shared with response personnel, including radio channel assignments. Members should follow the plan.

#### 401.3.12 SHIFTING FROM DISPATCH CONTROL TO IC CONTROL

As the IC and on-site supporting personnel gain situational awareness and resource control at the ICP, the role of HCSO Dispatch changes. Dispatchers should allow the IC to lead the control/coordination of deployed resources from the ICP. Dispatchers may continue supporting the effort, such as handling resource requests and forwarding tips and information. The Dispatch Center and ICP should continue to place regular phone calls to one another to stay updated.

#### 401.3.13 SUPPORTING RESPONDER SAFETY

The IC should ensure that response plans and activities support a reasonable level of personal safety. The IC may assign the role of "Safety Officer" to a capable individual who monitors incident operations and advises the IC on safety matters. The Safety Officer should have the immediate authority to stop and prevent unsafe acts by responders. The IC and/or the Safety Officer should ensure that safety messages, briefings, and plans are communicated to involved personnel. Members should follow safety guidance.

#### 401.3.14 MAINTAINING ACCOUNTABILITY, OPERATING WITHIN ICS

Members assigned to an ICS organization should support and utilize procedures to provide the IC with an accurate picture of resources and their status. Members should take personal responsibility for their actions while operating within the ICS structure, including but not limited to:

- (a) Report to the ICP, Staging Area, or other specified destination upon arrival.
- (b) Follow check-in and assignment procedures established for the incident.
- (c) Stay with their assigned leader, team, and objective, and avoid "free-lancing".
- (d) Complete and submit activity logs (ICS-214) and other required documentation.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

- (e) Follow check-out and demobilization procedures established for the incident.

#### 401.3.15 EXPANDING INCIDENTS AND MANAGEMENT ROLE OF IC

As an incident becomes larger/more complex, the member serving in the role of IC should strive to manage the ICS organization, not the operational details. The IC may consider:

- (a) Adding Command Staff at the ICP, such as Scribe/Radio Monitor; Liaison Officer, Public Information Officer (PIO), Safety Officer, Deputy IC, etc.
- (b) Activating a Staging Area staffed with a Staging Manager to receive and hold resources in a "stand-by" state until assigned, separate from the ICP.
- (c) Adding a Logistics Section Chief to manage resource requests from the ICP, minimizing duplicate ordering.
- (d) Delegating certain or specific authority by staffing an organizational level within the ICS structure with sole responsibility for tactical direction and control of selected resources. See also the Critical Response Unit and Mobile Field Force policies.

#### 401.3.16 TRANSFERRING COMMAND AND BRIEFING OF NEW IC

Members should support effective transfer of command when a new IC arrives in person at the ICP. The transfer of command should be carried out face-to-face, with the outgoing IC providing to the new IC (prior to the transfer of authority) a briefing that captures essential information for continuing safe and effective operations. The date and time of transfer should be documented, and the identity of the new IC communicated in a timely way to all involved or affected personnel.

### **401.4 ARRIVING DEPUTY RESPONSIBILITIES AT AN UNPLANNED INCIDENT**

When an unplanned incident reasonably appears to meet the criteria for implementing ICS as described in § 401.2.2, arriving deputies, supervisors, and managers should consider the ICS field level procedures described in § 401.3, and the following guidelines:

#### 401.4.1 ASSUMPTION OF IC ROLE BY ON-SCENE DEPUTY

The role of IC should be assumed by a deputy that is on-scene, or about to arrive on-scene. In situations when one deputy's arrival will precede another's arrival by several minutes or more, the first deputy on-scene should assume the role of IC and may transfer command later.

#### 401.4.2 INITIAL RADIO TRANSMISSIONS BY THE FIRST IC

When first establishing ICS (unless life safety or operational success would be jeopardized by radio transmissions), the on-scene deputy assuming the role of IC should promptly broadcast appropriate ICS statements in plain speech on the assigned HCSO frequency for the incident:

- (a) The IC should identify themselves on the radio and their current location.
- (b) The IC should name the incident over the radio by using an easy-to-understand plain-speech reference (e.g., "Turner Road Incident", "Manhunt", "Peace Rally", etc.).
- (c) The IC should begin using the incident name, not their day-to-day radio call sign, as the IC's radio identifier (e.g., "Turner IC", "Manhunt IC", "Rally IC"). Dispatch should thereafter use the incident name as radio identifier for whoever is serving as the IC.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

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- (d) The IC should identify where their Incident Command Post (ICP) will be located (e.g., "My Command Post is at my vehicle at HealthSPORT.").
- (e) The IC should radio an initial "size-up" of the nature and magnitude of the incident shortly after arrival, verbalizing their observations and/or information gleaned from reliable sources and deputies on-scene ("This is Turner IC. The suspect is in the cottage at 1998 Turner Road, armed with a silver revolver, fired one shot in the air, no injuries to anyone at this point. He has been yelling out the window and waving the revolver...We are starting an inner perimeter; CHP is starting to block off traffic from entering Turner Road at Central.").
- (f) The IC should request response of additional resources that may be needed (e.g., "Turner IC, requesting additional deputies and the Watch Commander respond. Have the Duty Officer call me, we may need SWAT and Negotiations. Also request APD and their K-9, and EMS and Arcata Fire to respond and stand by.")
- (g) The IC should specify the safest route of approach and destination for responding agencies (e.g., "Advise resources to approach via School Road to the old K-Mart shopping center east lot – that will be the Staging Area.")
- (h) The IC should specify the radio channel(s) to use for the incident (e.g., "Dispatch and all units on the Turner Incident, switch to CLEMARS/CALAW1; advise arriving agencies to switch to that channel. CHP can run traffic control on their channel.")
- (i) The IC should broadcast their initial "Leader's Intent" for the initial response and the desired end-state (e.g., "Let's finish the inner perimeter to keep the suspect located and isolated, and get neighbors to shelter in place...Smith, start dialogue with him if you can do so safely...while we wait for more resources...give him time to surrender.").

#### 401.4.3 INCIDENT COMMANDER ACTIONS

The deputy serving as IC should manage of the field response from the ICP as reasonable, practicable, and appropriate for the situation. The IC should consider the following actions:

- (a) Confirm that HCSO response is, in fact, really needed (if no response is warranted, consider terminating the response). Broadcast what is happening or has happened.
- (b) Confirm and broadcast the Location the response is most needed, and any "Hot Zone" area information where a threat or danger is perceived as direct and immediate.
- (c) Broadcast an estimated number of persons injured and their location(s).
- (d) Assess the need for additional resources and request them, providing a destination.
- (e) Direct initial responders to Isolate the incident with inner and outer perimeters; add traffic control as appropriate and resources allow. Designate radio channels for these.
- (f) If emergency alerts and messaging to the community may be appropriate, contact Dispatch and request notification to the Duty Officer, HCSO OES, and the Sheriff's Public Information Officer (PIO). Seek approval before initiating alerts and messaging.
- (g) Ensure that arriving resources are briefed and directed upon arrival. Make clear communications of Leader's Intent, assignment, who is working for whom, and safety.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

- (h) Direct on-site responders to Evacuate innocent persons believed to be in peril within the incident, or to shelter in place, as reasonable, safe, and practicable.
- (i) Seek to keep involved persons and witnesses at the scene, or at least identify them.
- (j) Assign a Situation Status deputy (may be part of the ICS Planning Section) to gather information with the understanding that they will be writing a report later about what happened and what is happening now. In a criminal incident, this deputy gathers leads and identifies crimes. Use them as a resource to keep informed and to update the IAP.
- (k) Assign a Scribe/Radio Monitor to work alongside the IC, recording important events and their times, listening to the radio and, (as authorized) fielding inquiries on the radio.
- (l) Plan for contingencies ("What ifs?") such as a strong aftershock, structure fire, trapped victim, suspect exiting, hostage fleeing, shots fired, officer down, etc. If appropriate, assign personnel with a leader as a "React Team" ready for quick action.
- (m) If the HCSO Crisis Response Unit (CRU: comprised of SWAT and Negotiation Teams) Commander arrives, the IC must clearly establish the scope of authority to act assigned to the CRU Commander and CRU teams (refer Crisis Response Unit policy).
- (n) Assign a Resource Status person to track resources deployed, staged, released.
- (o) Use a map and/or floor plan and an organizational chart at the Incident Command Post to track deployment and facility locations, geography, and the ICS organization.
- (p) Wear an IC vest, when one becomes available, when serving as the IC at the ICP.
- (q) Delegate! (The IC must refrain from trying to do everything themselves.).
- (r) Notify appropriate department, county, and allied agency officials. Consider requesting the activation of the HCSO EOC to assist with coordination and resources.
- (s) Request the Sheriff's Public Information Officer (PIO) to assist with the media.

#### **401.5 UNIFIED COMMAND**

When multiple agencies have responsibility (legal, geographical, or functional) and arrive at an incident, HCSO members should consider an ICS organization that utilizes a Unified Command (UC) approach instead of a single IC. The UC is comprised of two or more on-site IC's representing their different agencies. The UC establishes a common IAP with jointly approved objectives and strategies. This is accomplished without losing or abdicating agency authority, responsibility, or accountability. The following guidelines should be considered:

- (a) A pre-planned incident may be organized using Unified Command concepts.
- (b) An unplanned incident may begin with a single IC, and then transition to a UC.
- (c) Supervisory approval is not required for Unified Command. It may be initiated as soon as the first deputy arrives on-scene, meets with, and reaches agreement with the on-scene leader of another agency that a UC should be formed.
- (d) A deputy entering into a UC should follow the applicable guidelines described earlier in this policy, except that the deputy should make clear verbal and radio statements communicating to Dispatch and all involved/affected personnel that



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

"Unified Command" has been established, including which agencies are participating in UC.

- (e) The UC should operate from one Unified Command Post (UCP).
- (f) The ICs participating in UC should be co-located at the UCP, in close verbal and physical proximity (i.e., standing shoulder-to-shoulder).
- (g) Depending on the nature and evolution of the incident, one agency represented in the Unified Command may have a primary role among the other agency leaders (e.g., in a CMCI, Law may take the primary role until the threat ends, and then Fire/EMS may assume the primary role until all salvageable patients are transported, then Law may reassume the primary role for Coroner and crime scene operations).
- (h) The UC may be terminated when necessary or when one agency's involvement is no longer needed, and the ICS organization may be changed to a single IC model.

#### **401.6 MULTIPLE INCIDENTS AND AREA COMMAND**

There may be multiple simultaneous incidents, each of which requires an ICS approach to organize and manage. Lieutenants and higher-ranking members have important management roles in ensuring appropriate application of the guidance provided in this section.

##### **401.6.1 SEPARATE INCIDENT COMMANDS**

Two or more simultaneous incidents different in nature and/or isolated from one another may be managed by separate ICs at different ICPs, each with their own different resources. For example, an officer-involved shooting at McKinleyville Denny's could be led by an HCSO sergeant as "Denny's IC", while the response to a protest near Samoa is led by a lieutenant as "Samoa IC".

##### **401.6.2 SEPARATE BRANCHES WITH ONE IC**

Two or three closely located, similar but separate incidents may be managed by one IC. For example, response to simultaneous bomb devices at different ends of the College of the Redwoods campus could be led by an HCSO Lieutenant, in Unified Command with a fire department Battalion Chief, at a single UCP, as "Redwoods UC" ("Redwoods IC" would also be acceptable). Separate Branch Directors could manage the separate bomb scenes.

##### **401.6.3 AREA COMMAND**

When multiple but separate incidents of the same general kind are anticipated or break out in the same general area (e.g., scattered sites of rioting, separate flooding incidents along several rivers, simultaneous evacuations of several communities), the ICs (or UCs) managing the different incidents will compete for many of the same resources. An Area Command approach should be immediately considered. An experienced supervisor or manager should assume the role of Area Commander and announce their assumption of Area Command on the radio. The Area Commander (and supporting staff) responsibilities may include:

- (a) Setting overall priorities and strategic objectives for the affected geographic area.
- (b) Ensuring an IC is assigned appropriately to each incident and supported.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

- (c) Providing the ICs with expectations, intentions, and constraints.
- (d) Allowing the ICs reasonable flexibility in implementing their individual IAPs.
- (e) Prioritizing effective allocation/re-allocation of resources between incidents.
- (f) Maintaining contact with officials, cooperating agencies, and other groups.
- (g) Centralizing management of media and public information.
- (h) Coordinating demobilization or reassignment of resources between incidents.

#### 401.6.4 UNIFIED AREA COMMAND

Simultaneous incident field responses under an Area Command will often be multi-agency and/or multijurisdictional and may have Unified Command structures at their ICPs. If the field responses at the incidents involve Unified Command, the Area Command should be a Unified Area Command. This will require full jurisdictional representation at the Unified Area Command Post, and that all parties agree on the overall priorities, strategy, and agency responsibilities.

#### 401.6.5 AREA COMMAND/UNIFIED AREA COMMAND GUIDANCE

Members seeking additional guidance for the use of Area Command and/or Unified Area Command should refer to current resources from California Firescope, SEMS, or NIMS. Staff will need to be identified and appointed to support either type of command organization; the positions to fill will depend on the nature of the incident and the needs of the response.

#### **401.7 COMMAND POST CONSIDERATIONS**

Some of the criteria that should be considered when selecting any Incident Command Post, Area (or Unified) Command Post location/facility include:

- (a) The anticipated duration of the response
- (b) The number of personnel anticipated to use the ICP
- (c) Communication functionality to/from the site
- (d) Proximity to the incident(s), and their location and total number
- (e) Close to but separate from Staging Area and most other ICS facilities
- (f) Separation from most walking wounded and fleeing persons
- (g) Security from unauthorized persons, media, and others drawn to the scene
- (h) Protection from the elements
- (i) Adequate parking
- (j) Water and bathroom facilities
- (k) Capability for continuous operation and backup power
- (l) Utilities, heating/cooling, lighting, and functionality
- (m) Workspaces and furnishings
- (n) Space for personnel and meetings

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

- (o) Availability of nearby food/lodging if needed

#### **401.8 MAJOR DISASTERS AND MULTIPLE AREA COMMANDS**

During the initial response to a major disaster in the county (e.g., severe storm event, destructive earthquake) members should consider the following guidelines:

- (a) Using information from field units, allied entities, the HCSO EOC, and other sources, a preliminary assessment of the type, scale, and general geographic area(s) of the existing and potential damage impacts should be developed.
- (b) For each impacted geographic area, an Area Command (AC), or a Unified Area Command (UAC) may be formed in proximity to the damage, with a nearby Staging Area for resources assigned to that impact area. A law station, fire station, or meeting space could serve as a command post. Agency representatives (e.g., Law, Fire, Public Works, Caltrans) may consider co-locating at the command post to form a UAC.
- (c) Each AC or UAC should be given a radio identifier in the same way that an individual incident has an individual name (e.g., "North County AC", "Garberville UAC").
- (d) On-scene operations for individual sites should be managed by on-scene ICs or UCs. The ICs/UCs may be coordinated by the AC/UAC.
- (e) The AC or UAC should attend to the Area Command responsibilities described in § 401.6.3, above.
- (f) The AC or UAC should lead the allocation of resources arriving within the impacted area.
- (g) The involved agencies should ensure their dispatch centers are aware of the establishment of the AC or UAC.
- (h) Dispatch centers and AC's/UACs should establish direct lines of communication (avoiding radio if practicable since many channels will be in use), coordinating the allocation, tracking, and accountability of on-duty resources with the AC or UAC.
- (i) The Sheriff, as the County of Humboldt Operational Area (OA) Director of Emergency Services, may serve as "OA Command", providing leadership, direction, and coordination between the ACs or UACs. The Sheriff should be supported by members of this office, including HCSO OES.

#### **401.9 HUMBOLDT COUNTY OES EMERGENCY OPERATIONS CENTER (EOC)**

The Humboldt EOC is a physical (or virtual, if appropriate) location from which representatives of the HCSO, the County of Humboldt, and other jurisdictions and organizations coordinate information and resources to support the management of a serious incident, hazard, emergency, or disaster affecting Humboldt County. The Humboldt EOC may be activated as a local EOC or as a countywide EOC for the entire Humboldt Operational Area. The Humboldt EOC is normally located in the basement of the Humboldt County Courthouse, but an alternate physical location or virtual approach may be developed as an EOC to meet demands of the situation.

##### **401.9.1 EOC MANAGEMENT AND FUNCTION**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

The Humboldt EOC is operated by the Sheriff's OES Manager and staff, using organizational concepts and structure established through NIMS, SEMS, and ICS. The primary functions of staff in the Humboldt EOC include:

- Collecting, analyzing, and sharing information internally and externally.
- Supporting resource needs and requests, such as interfacing with regional, state, and national organizations to allocation and tracking.
- Providing a range of planning services; determining current and future response needs.
- In some situations, providing coordination and policy direction.

#### 401.9.2 EOC ACTIVATION

The HCSO EOC may be activated (staffed) at any time upon order of the Sheriff, Undersheriff, Duty Officer, or Emergency Services Manager. The EOC's activation levels are comparable with those of the California Coastal Region EOC (REOC) and State Operations Center (SOC).

- (a) **Level Three** (lowest): This is a minimum activation. The EOC is staffed by two or more people to monitor a new incident or situation, collect and analyze information, and assist in the preparation and release of information to key officials and messaging to the public. Level Three could also be appropriate during first hours or the final days of an incident response. Typical hours of EOC activation at Level Three do not run 24/7.
- (b) **Level Two** (partial activation): Typically established as an increase from Level Three or a decrease from Level One. This activation level is used for emergencies or planned events that would require more than a minimum staff but would not call for a full activation of all organization elements. The EOC Director, in conjunction with the General Staff, will determine the required level of continued activation, and demobilize functions or add additional staff to functions as necessary based upon event considerations. Representatives to the EOC from other agencies or jurisdictions may be needed under Level Two. Typical hours of EOC activation at Level Two extend beyond weekday business hours, but do not run 24/7 seven days a week.
- (c) **Level One** (full activation): The EOC is staffed by many persons filling all Section Coordinator positions as well as other key roles. The EOC staff may include significant numbers of personnel from other Humboldt County departments and allied entities. A Level One activation may be appropriate to coordinate resource requests for a major disaster such as a severe earthquake. Level One EOC hours of operation will extend well beyond weekday business hours and may be activated 24/7, seven days a week.

#### 401.10 REQUIRED COMPONENTS OF SEMS AND NIMS

In addition to using ICS, members of this office should utilize other components of SEMS and NIMS whenever reasonable and practicable to coordinate multiple jurisdiction or multiple agency operations (Government Code § 8607(a)). These components include:

- (a) **Multiagency Coordination Systems (MACS)**, including but not limited to facilities, equipment, multiagency coordination entities, procedures, and communications to coordinate activities above the field level and to prioritize the incident demands

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

---

for critical or competing resources. Examples of MACS include EOCs and Area Command.

- (a) **Operational Area and Regional Area Approach** for the coordination of mutual aid and other emergency operations (Government Code § 8559).
  1. An "operational area" is a county, including all political subdivisions within it.
  2. A "mutual aid region" is an area of California consisting of two or more county operational areas.
- (b) **The Statewide Mutual Aid Agreement, and related mutual aid systems and agreements** such as those used in law enforcement, fire service, and coroner operations (Government Code § 8561). Members of this office should refer to the following sources of guidance:
  1. Current agreements between agencies and entities in Humboldt County, including any between the Law Enforcement Chiefs Association of Humboldt (LECAH).
  2. Current Cal OES documents such as: Blue Book Law Enforcement Mutual Aid Plan, Law Enforcement Mutual Aid Quick Reference Guide, Search & Rescue Mutual Aid Annex and documents, Coroners & Mass Fatality documents, the California Disaster and Civil Defense Master Mutual Aid Agreement, and the Emergency Management Mutual Aid (EMMA) Plan.
  3. The Sheriff's Office of Emergency Services (HCSO OES).

#### **401.11 ASSESSMENT AND REVIEW**

Members should support and participate in assessments of incident responses, including how the ICS was implemented. Assessment methods include but are not limited to:

- On-scene or nearby "hot wash" in-person meetings immediately after an incident
- Formal Debriefings and Post-Incident Analysis meetings
- After-Action Review/Report Meetings

#### **401.12 ICS STRUCTURE, TITLES, AND ORGANIZATIONAL CHART**

Under NIMS and Firescope guidelines, the ICS in field response situations is organized by levels, with the individual supervisor of each level holding a specific title during their participation in the response (e.g., a person in charge of a Section is labeled "Chief"; a "Director" is the title of a person in charge of a Branch). Additional position titles are described later in this section.

##### **401.12.1 LOCAL PRACTICES**

The use of the NIMS/Firescope-endorsed ICS titles such as "Section Chief" is the common practice by Humboldt County fire and rescue agencies and therefore should be the practice of members of this office in most field response situations.

- (a) Some entities may use the title "Officer-In-Charge" (OIC) to designate leaders at each level instead of using NIMS/Firescope terminology.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Use of the Incident Command System (ICS)*

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- (b) In EOC organizations, position titles may vary slightly from field response ICS titles (e.g., an EOC may have a "Section Coordinator" rather than a "Section Chief").

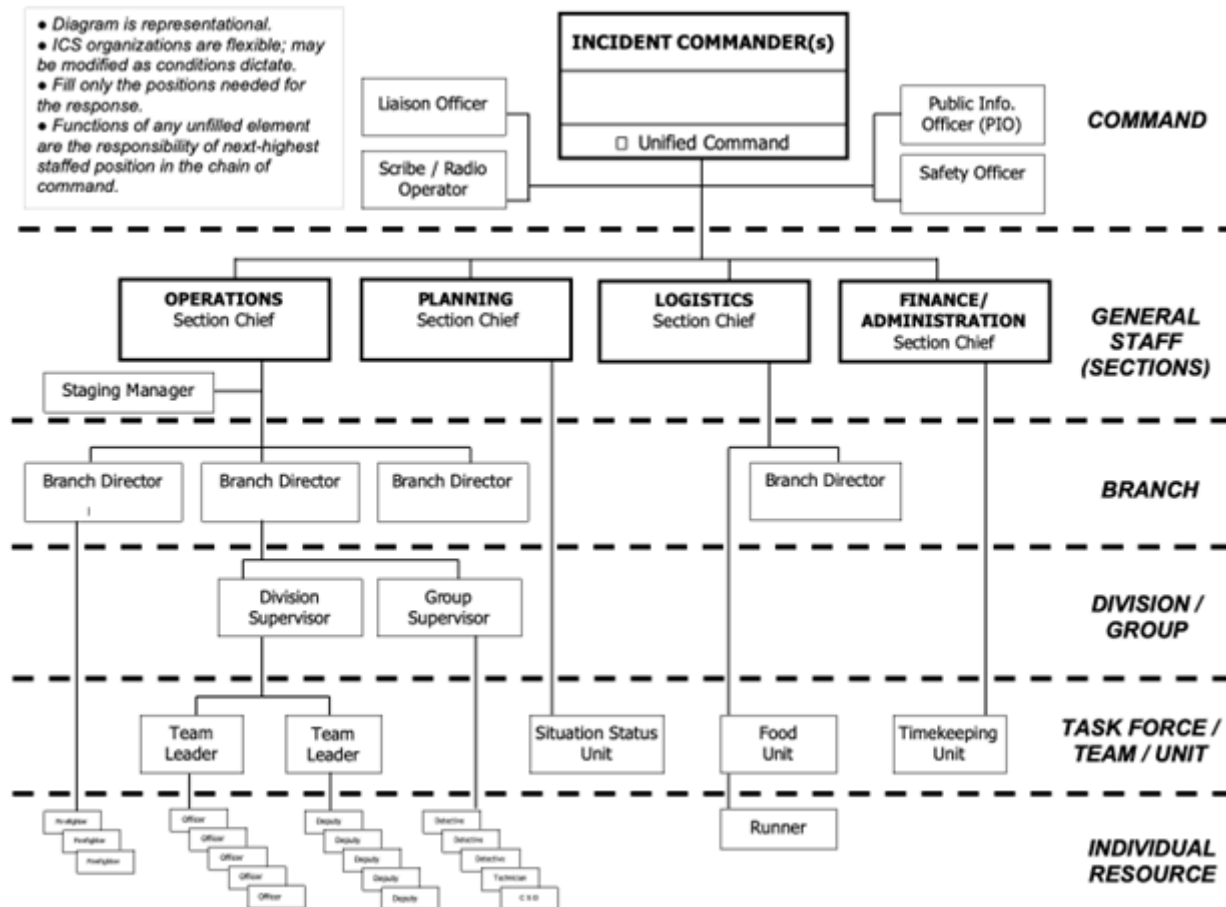
#### 401.12.2 LEVELS AND TITLES – FIELD RESPONSE ICS

Members of this office should use the following titles when activating (staffing) these positions.

- (a) COMMAND (IC is required; adding a Deputy IC is optional.)
  - 1. **Incident Commander**
- (b) COMMAND STAFF (Activate only those needed; adding Assistants to staff is optional.)
  - 1. **Scribe / Radio Monitor**
  - 2. **Safety Officer**
  - 3. **Liaison Officer**
  - 4. **Public Information Officer (PIO)**
- (c) GENERAL STAFF (Activate only those needed; adding a Deputy Chief is optional.)
  - 1. **Operations Chief**
  - 2. **Planning/Information Chief**
  - 3. **Logistics Chief**
  - 4. **Finance/Administration Chief**
- (a) IMPORTANT ICS ELEMENTS
  - 1. **Branch "Director":** When activated, a Branch has either functional or geographic responsibility for major parts of the Operations or Logistics functions. The Branch level is an optional level of supervision beneath a Section Chief, overseeing designated Divisions, Groups, Task Forces, Teams, or Units. Adding a Deputy Director is optional.
  - 2. **Division "Supervisor":** As an optional level within the Operations Section, a Division divides an incident into geographical areas of operational responsibility. One example would be to divide responders working on opposite sides of a river into the "North Division" and the "South Division". Each Division Supervisor oversees their designated Task Forces, Teams, or Units.
  - 3. **Group "Supervisor":** As an optional level within the Operations Section, a Group divides an incident into functional areas of operational responsibility. One example might be to divide responders into a Search Group and an Investigative Group. Each Group Supervisor oversees their designated Task Forces, Teams, or Units.
  - 4. **Team, Task Force, or Unit "Leader":** These refer to organizational elements with functional responsibility for a type of activity or assignment. Teams are typically created with three to seven of the same type of resources while Task Forces are comprised of different types of resources. Examples include: "Inner Perimeter Team" (all armed law officers), and "Rescue Task Force" (armed law officers in a team with firefighter/paramedics). "Units" are most commonly used

# Humboldt County SO Policy Manual

to designate certain functional responsibility in Logistics, Planning, or Finance Sections.



## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Humboldt County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

### 402.2 POLICY

The Humboldt County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Bias-Based Policing*

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

#### **402.4 MEMBER RESPONSIBILITIES**

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### **402.4.1 REASON FOR CONTACT**

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

##### **402.4.2 REPORTING OF STOPS**

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 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 Humboldt County Sheriff's Office is the primary agency, the Humboldt 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).

##### **402.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP**

A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Bias-Based Policing*

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#### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Tablet (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.

#### **402.6 ADMINISTRATION**

Each year, the Field Operations Division Commander should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff.

The annual report should not contain any identifying information about any specific complaint, member of the public or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

#### **402.7 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

##### **402.7.1 ADDITIONAL STATE REQUIREMENTS**

Training should be conducted as directed by the Professional Standards Bureau.

- (a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *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 POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

#### **402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Professional Standards Division 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 Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

## Briefing Training

### **403.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying deputies of changes in schedules and assignments
- (c) Notifying deputies of new General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### **403.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

### **403.3 RETENTION OF BRIEFING TRAINING RECORDS**

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

## Crime and Disaster Scene Integrity

### 404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 404.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 404.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 404.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 404.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crime and Disaster Scene Integrity*

---

persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **404.5.1 CONSENT**

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

#### **404.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

## Crisis Response Unit

### 405.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Special Weapons and Tactics Team (SWAT), and the Tactical Dispatch Team (TDT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

#### 405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a 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.

#### 405.1.2 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.

### 405.2 LEVELS OF CAPABILITY/TRAINING

#### 405.2.1 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.

#### 405.2.2 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

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least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

#### 405.2.3 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.

#### **405.3 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 three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 405.3.1 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.

#### 405.3.2 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.
- (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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

- (i) Specialized functions and supporting resources.

#### 405.3.3 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 CRU 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.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the SWAT team.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

- (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) Such debriefing 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.

#### **405.4 TRAINING NEEDS ASSESSMENT**

The SWAT/CRU 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).

##### **405.4.1 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.

##### **405.4.2 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.

##### **405.4.3 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

#### 405.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from a Head Rangemaster who has been approved by the CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

#### 405.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

#### 405.4.6 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.

#### 405.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Division. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

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#### **405.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

##### **405.5.1 UNIFORMS**

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

##### **405.5.2 EQUIPMENT**

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

##### **405.5.3 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.

##### **405.5.4 OPERATIONAL READINESS INSPECTIONS**

The CRU Commander shall assign each team supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained by the CRU and any CRU vehicles.

#### **405.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT**

The Commander of the CRU shall be selected by the Sheriff upon recommendation of staff.

##### **405.6.1 PRIMARY UNIT MANAGER**

Under the direction of the Sheriff, through the Field Operations Bureau Division Commander, the Crisis Response Unit should be managed by a Lieutenant or above. Based on the needs of the department, as designated by the Sheriff, the Crisis Response Unit can be managed by a Sergeant.

##### **405.6.2 TEAM SUPERVISORS**

The Crisis Negotiation Team and Special Weapons and Tactics Team will each be supervised by a sergeant. The Tactical Dispatch Team shall be supervised by a selected dispatcher, preferably a senior or above.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Crisis Negotiation Team (CNT) supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.
- (b) The Special Weapons and Tactics (SWAT) Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

- (c) The Tactical Dispatch Team supervisor's primary responsibility is to supervise the operations of the Tactical Dispatch Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

#### **405.7 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.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

Humboldt County Mental Health clinicians/therapist who have attended the POST basic negotiator course and approved by the Sheriff will be duly appointed members of the Crisis Negotiator Team (CNT). During a critical incident the mental health professionals that are a part of the Sheriff's CNT shall be called out by contacting the Crisis Stabilization Unit at Sempervirens. The CNT Sheriff's Supervisor is the team leader and will coordinate the call out, supervise the negotiations, schedule the debriefing, and is responsible for training. Any member of the CNT including the trained Mental Health Professionals can be utilized as the primary and or secondary negotiator. The CNT will have periodic training where Mental Health Professionals will be required to participate to maintain their certification. Nothing in this section prevents any member of the sheriff's Office from contacting a county Mental Health Professional to assist with a person that is in crisis out in the field.

##### **405.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a memorandum of interest to their appropriate Division Commander. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

##### **405.7.2 TRAINING OF NEGOTIATORS**

Those deputies selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

(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 CNT supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

#### **405.8 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 SWAT Team.

##### **405.8.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation shall submit a memorandum of interest to their appropriate Division Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance;
  - 2. Demonstrated good judgment and understanding of critical role of SWAT member;
  - 3. Special skills, training, or appropriate education as it pertains to this assignment; and,
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

- (c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to the Sheriff, by the CRU Commander, for final selection.

#### 405.8.2 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 CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **405.9 TACTICAL DISPATCH TEAM ADMINISTRATIVE PROCEDURES**

The Tactical Dispatch Team was established to provide technical assistance, to include dispatching and tracking of units/actions, for the CRU Commander in the field during operations. During an operation, Tactical Dispatchers may be assigned directly to a variety of roles in and around the Command Post.

##### 405.9.1 SELECTION OF PERSONNEL

Interested dispatchers who are off probation, shall submit a memorandum of interest to their appropriate Division Commander, a copy of which will be forwarded to the CRU Commander and SWAT Supervisor. Qualified applicants will be advised of any additional testing or assessment. A list of successful applicants will be forwarded to the Sheriff via chain of command, by the CRU Commander, for final selection.

##### 405.9.2 TEAM MEMBER EVALUATIONS

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the TDT supervisor and shared with the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all TDT members. Any member of the TDT who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **405.10 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander. It is also recognized that the Crisis Negotiations Team could be used in a situation not requiring the physical present of

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

the SWAT Team. This shall be at the discretion of the CRU Commander and/or Duty Commander, if the CRU Commander is not available.

#### 405.10.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Supervisor, he/she will notify the CRU Commander. When time and safety permits, this decision should ultimately involve completing an HCSO Risk Assessment Worksheet.

#### 405.10.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

#### 405.10.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Supervisor.

Deployment of the Humboldt County Sheriff's Office Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander, and absent extenuating safety related circumstances, should include completion of an HCSO Risk Assessment Worksheet, and consultation with the CRU Commander.

#### 405.10.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Humboldt County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Humboldt County Sheriff's Office when working in a multi-agency situation.

#### 405.10.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Watch Supervisor for the Crisis Response Unit. When time and safety permits, this should include completion of the HCSO Risk Assessment



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

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Worksheet. The Watch Supervisor shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Supervisor's office by the CRU Commander. The Watch Supervisor will then notify the Field Operations Division Commander as soon as practical.

The Watch Supervisor should advise the CRU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected deputies to respond.

#### 405.10.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish a React team. The React team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the CRU Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

#### 405.10.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Response Unit*

---

be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

#### 405.10.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Negotiation Team personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team Sergeant or his or her designee.

## Mobile Field Force (MFF)

### 406.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the administration, training, and operation of the Mobile Field Force (MFF).

The Mobile Field Force is a designated team of law enforcement officers specially trained and equipped to work as a coordinated team that can be rapidly deployed in disorder situations.

It is not the intent of this policy to limit the necessary discretion that must be exercised by department personnel following the guidelines of the policy.

### 406.2 POLICY

(a) It shall be the policy of the Humboldt County Sheriff's Office to have the Mobile Field Force provide specialized support in situations wherein the capabilities of the Team are appropriate for responding to an incident or operation.

(b) Deployment Protocol

- (a) The MFF Team is normally utilized in conjunction with other department resources dedicated to responding to an unusual occurrence or planned event.
- (b) The MFF Team may be deployed as mutual aid with other agencies or to relieve other MFF teams already committed to an incident scene.

(c) MFF Team deployments may include, but are not limited to:

- (a) Mass arrest capability.
- (b) Force protection.
- (c) Mutual Aid.
- (d) Crowd control for spontaneous or planned demonstrations or civil disobedience.
- (e) Respond to secure large perimeters such as the scene of an Officer Involved Shooting (OIS), disaster area, or critical incident scene requiring significant resources to manage and/or drawing large crowds that may be or become hostile.
- (f) Other missions as assigned by the Incident Commander.

### 406.3 DUTIES AND RESPONSIBILITIES

#### 406.3.1 INCIDENT COMMANDER

- (a) The Incident Commander is responsible for the overall command of an incident or operation.
- (b) The Incident Commander may be the MFF Commander, Undersheriff, Captain or Lieutenant.
- (c) The Incident Commander is the primary commander during a specific operation and may function as both the Incident Commander and Tactical Commander.
- (d) The Incident Commander assumes overall responsibility for the incident or operation once on scene and provides overall management oversight and direction.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Field Force (MFF)*

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- (e) The Incident Commander should establish an Incident Command Post (ICP) as soon as practical. The Incident Commander should manage and conduct the operation from the ICP and if necessary, will employ other personnel to assist in managing the operation.
- (f) The Incident Commander will ensure support communication links to all units/officers and Mutual Aid teams are established as needed on a timely basis.
- (g) The Incident Commander will ensure investigative efforts to obtain and update information on criminal acts, suspects, threat conditions, and the incident site are initiated as soon as practical.
- (h) The Incident Commander may establish/maintain a liaison with Mutual Aid and other involved agency commanders.
- (i) The Incident Commander should ensure appropriate notification has been made to department command staff.
- (j) The Incident Commander will establish a "general plan of action" or "strategy" setting forth the operational guidelines for responding to the incident.
- (k) The Incident Commander should control responding units' deployment through the ICP unless immediate operational deployment is required.
- (l) The Incident Commander should determine if additional logistical requirements and/ or resources are necessary.
- (m) The Incident Commander should designate a media liaison for press releases/media contacts.
- (n) The Incident Commander should coordinate all post-operation activities. The Incident Commander should ensure, if necessary, that the incident site remains secure until the department can return to normal operations.
- (o) Establish rules of engagement for all personnel and teams committed to the incident.

#### 406.3.2 TACTICAL COMMANDER

- (a) The Tactical Commander will coordinate operations at the incident site with the Incident Commander.
- (b) The Tactical Commander may be the Undersheriff, Captain, Lieutenant, or the MFF Team Sergeant.
- (c) The Mobile Field Force and any other resources directly committed to the incident site will be under the control of the Tactical Commander.
- (d) The Tactical Commander should establish a Tactical Command Post which may be at a different location from the Incident Command Post.
- (e) The Tactical Commander should oversee the operation or incident plan until the incident or operation is concluded.
- (f) The Tactical Commander should request, through the operational chain of command, necessary personnel and resources as needed.
- (g) The Tactical Commander should establish liaisons with other law enforcement units committed to the incident.
- (h) The Tactical Commander should ensure support radio communication channels and call signs are established.
- (i) The Tactical Commander should, to the extent possible, assess and address the following:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Field Force (MFF)*

---

1. Collect, process, and cross verify intelligence from on-scene sources.
  2. Continue to develop and verify tactical information as it relates to:
    - (i) Criminal acts.
    - (ii) Suspect information.
    - (iii) Threat conditions.
    - (iv) Incident site information.
  3. Facilitate the exchange of intelligence acquired from deployed tactical teams and negotiation efforts to the command post.
  4. As appropriate update personnel so current information is given to on-scene and relief personnel as necessary to perform assigned duties. Continue to acquire and disseminate updated intelligence on a timely basis up and down the chain of command.
- (j) Establish rules of engagement for all officers assigned to the incident site.
1. Established rules of engagement should not conflict with rules of engagement established by the Incident Commander.

#### 406.3.3 MFF LIEUTENANT

- (a) Command responsibilities for the MFF operation.
- (b) Provide direction and vision to the MFF team; planning, coordinating, and managing the MFF team.
- (c) Act as the Incident and/or Tactical Commander of MFF deployments when available.
- (d) Command oversight of the team's training, deployments, and all other activities.
- (e) Supervise the MFF Sergeants.

#### 406.3.4 MFF SERGEANT

- (a) Report to the MFF Lieutenant/Incident Commander and supervise personnel.
- (b) Assist in creating a tactical plan for the Mobile Field Force.
- (c) Responsible for executing the Mobile Field Force's part of the tactical plan.
- (d) Responsible for post operational procedures including accounting for all personnel under the supervisor's command.
- (e) Conduct debriefing.
- (f) Unless otherwise delegated, complete after action reports for documentation of incident.
- (g) Plan, coordinate, monitor and participate in training.
- (h) Complete and maintain all MFF training records including lesson plans and records of attendance. Assure all training records are forwarded to the department's Training Division.
- (i) Evaluate the performance of MFF team members.
- (j) Coordinate the selection of new MFF team members..
- (k) Maintain an equipment inventory of all items issued to officers. A list of weapons and primary safety equipment shall be forwarded to the department's Training Division.
- (l) Conduct needs assessment annually to ensure training is conducted within team capabilities and agency policy.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Field Force (MFF)*

---

#### 406.3.5 MFF TEAM LEADER

(a) Provide leadership and supervision in the following areas:

(b) Support the goals of the department and the MFF team.

(c) Provide supervision to MFF team members.

(d) Assist in training, leading and motivating MFF team members.

(e) Promote teamwork and camaraderie within the MFF team.

(f) Training

1. At the direction of the MFF Team Sergeant, prepare lesson plans for quarterly training.
2. Review new training techniques or practices and make appropriate recommendations to MFF sergeants.
3. Identify training needs and make appropriate recommendations to MFF sergeants.
4. Mentor new MFF team members.

(g) Operations

1. At callouts, assist the MFF Team Sergeant as directed.
2. Complete a callout list.
3. Assist in operation planning at the direction of the MFF Team Sergeant.
4. During operations work under the direction of the MFF Team Sergeant.
5. In the absence of the MFF Team Sergeant, lead the team during operations.
6. Assist with completion of after-action report documentation.

(h) Evaluation

1. Assist in the evaluation of the performance of MFF team members.
2. Make recommendations to MFF sergeants for assignment of positions within MFF.
3. Assist MFF sergeants in the selection of new team members.

(i) Selection - The selection process for becoming a Team Leader on the MFF Team is as follows:

1. When an opening occurs on the team the opening will be announced to the team by the MFF sergeants.
2. Interested team members will contact the MFF sergeants expressing their interest to be considered for the position.
3. All interested team members will be evaluated for Team Leader based on the following criteria:

(i) Performance evaluations for the past two (2) years (meeting all key areas of responsibility).

(ii) Electronic evaluation notes for the current evaluation period.

(iii) Input from their current and past supervisors for the past year regarding the employees' performance in leadership and supervisory potential in their primary assignment and any other assignments held during that year.

(iv) Performance on the MFF team:

A. Performance during training and call-out missions.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Field Force (MFF)*

---

- B. Commitment to the ongoing performance of the team and training of other team members.
  - C. Demonstration of leadership qualities and skills during training and missions.
  - D. Committed to holding themselves and peers to the highest standards related to professionalism.
- 4. A list of qualified candidates will then be submitted to the MFF Lieutenant along with the recommendations from the MFF sergeants.
  - 5. Upon approval from the MFF Lieutenant the selection recommendation will be submitted to the Sheriff for approval.

#### 406.3.6 MFF MEMBER

- (a) All team members function at the direction and discretion of the Incident Commander, Tactical Commander, MFF Lieutenant, MFF Team Sergeant, and MFF Team Leaders.
- (b) MFF members' performance, in all key areas of responsibility of their work plan, must be at least satisfactory on each six month or annual evaluation depending on their current assignment.
- (c) Failure to pass or maintain a satisfactory performance in any of the above areas may result in removal from the MFF team.

#### 406.4 CALL-OUT PROCEDURE

It shall be the responsibility of the MFF Team Sergeant to ensure a current call-out roster is available in a department database and accessible to personnel authorized to conduct a call-out. The MFF Team Sergeant and MFF Team Leader(s) will obtain necessary information to complete an action plan. Upon approval of this action plan by the Tactical/Incident Commander, personnel and equipment will be assembled and deployed to a designated staging area. Upon receiving authorization, the action plan will be implemented. The action plan could be in written or oral form. However, if in oral form, it will need to be put in writing as a post incident review.

#### 406.5 TRAINING

The MFF Training Sergeant will compile and distribute a yearly comprehensive training plan. The plan will include an explanation of the training plan, a list of individual and team skills, and a calendar that incorporates the skills relevant to MFF missions. The MFF Training Sergeant shall forward all lesson plans and training documents to the Department's Training Division.

- (a) Training will generally consist of four (4) training days per year.
- (b) MFF members unable to attend scheduled training shall contact the MFF Team Sergeant explaining in writing the reason for the absence.
- (c) Training may consist of scenario-based joint training with outside agencies and other teams within the department including the Special Weapons and Tactics Team.
- (d) MFF officers train to maintain and improve their skills used in operations. Officers who miss consecutive monthly trainings and/or more than 25 percent of each year's training time may be removed from the call-out list until such time they attend sufficient training to demonstrate an acceptable skill level, as determined by the MFF sergeants or lieutenant.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Field Force (MFF)*

---

#### **406.6 UNIFORM AND EQUIPMENT**

- (a) The uniform worn during any mission or training will be dependent upon the circumstances and needs of the team. The uniform will be designated by the MFF Team Sergeant prior to the mission or training.
- (b) All equipment maintained by the team or assigned to a team member will be at the discretion of the MFF Team Sergeant.
- (c) A periodic inventory check will be conducted by a designated team member.
- (d) All officers shall be responsible for the care, maintenance, and knowing the purpose of all equipment issued to them, including, but not limited to uniforms, helmets, eyewear, hearing protection, PPE, body armor, chemical agents mask, and footwear.

#### **406.7 PUBLIC EDUCATION**

- (a) MFF personnel will participate in forums that provide opportunities to educate members of the public about the purpose of MFF and specifically the Humboldt County Sheriff's Office Mobile Field Force. The focus of these public education programs will be to educate the public on the mission of the MFF team. Forums may include, but are not limited to, events such as the Citizen Police Academy, school presentations, service group presentations, and other community events.
- (b) The content, type and amount of resources for any event shall be approved by the MFF Lieutenant.



## Ride-Along Policy

### **407.1 PURPOSE AND SCOPE**

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.

#### **407.1.1 ELIGIBILITY**

The Humboldt 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 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Office
- Denial by any supervisor

#### **407.1.2 AVAILABILITY**

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 Watch Supervisor.

### **407.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Administrative Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Administrative Sergeant 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 Watch Supervisor 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.

#### **407.2.1 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Watch Supervisor.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Ride-Along Policy*

---

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadets Policy.

#### **407.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Watch Supervisor or field supervisor may refuse a ride along to anyone not properly dressed.

#### **407.2.3 PEACE OFFICER RIDE-ALONGS**

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 Watch Supervisor. 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.

#### **407.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Humboldt County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

#### **407.3 DEPUTY'S RESPONSIBILITY**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Supervisor with any comments which may be offered by the deputy.

#### **407.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Ride-Along Policy*

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- (c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) 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

### 408.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this office.

#### 408.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

### 408.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

### 408.3 REPORTING EXPOSURE

Office members 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 member in an employee memorandum that shall be forwarded via chain of command to the Watch Supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hazardous Material Response*

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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 as applicable.

#### 408.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the fire department.

# Hostage and Barricade Incidents

## 409.1 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.

### 409.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

**Special Relationship** - A special relationship, between a member of the HCSO and the public, is created when either of the following occurs:

- A Deputy makes a representation (express or implied) that is detrimentally relied upon and causes a foreseeable harm.
- A Deputy engages in an affirmative act that increases the foreseeable risk of harm to an individual.

## 409.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

The HCSO recognizes and understands not all suicidal subjects are considered barricaded or require immediate police action. There is a distinction between an armed barricaded suspect wanted for a crime, and a barricaded subject who has not committed a crime and only expressed the desire to commit suicide. It is not a criminal act to express the desire or even attempt to commit suicide and suicidal or mentally ill persons are afforded the same level of legal protection as everyone else.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hostage and Barricade Incidents*

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#### **409.3 COMMUNICATION**

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When dealing with involved family members, Deputies should avoid making any promises to family members or loved ones that would suggest a special relationship has been created. Deputies should attempt to establish what the concerned parties' expectations of on-scene law enforcement personnel are.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

##### **409.3.1 EMERGENCY COMMUNICATIONS**

Only a deputy who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The deputy reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The deputy reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

**\*\*This section of the policy does not affect the legality of Deputies obtaining a SEARCH WARRANT to authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communications at the scene of a hostage situation or barricade situation\*\***

[See attachment: PC 633.8 designated officers.pdf](#)

#### **409.4 FIRST RESPONDER CONSIDERATIONS**

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hostage and Barricade Incidents*

---

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

First responders and/or supervisors may choose to strategically disengage from a barricade situation, when it is determined the primary concern is self harm, and the subject has not committed a serious offense, or created an imminent deadly threat to the public.

#### 409.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hostage and Barricade Incidents*

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- (k) Establish a command post.

#### **409.4.2 HOSTAGE SITUATION**

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **409.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hostage and Barricade Incidents*

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and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
  - 1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Office obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Emergency Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

#### **409.6 CRU RESPONSIBILITIES**

The Incident Commander will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Hostage and Barricade Incidents*

---

The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

#### **409.6.1 OPTIONS TO STRATEGICALLY DISENGAGE FROM BARRICADED SUBJECTS**

The actions of first responders will be weighed against the information known, governmental interest, subject's actions, and efforts to deescalate the situation. First responders may choose to strategically disengage to avoid resorting to force when it is determined the primary concern is self harm, and the subject has not committed a serious or violent crime, and the subject has not created an imminent deadly threat to the public. The decision to disengage should be based on the totality of circumstances, including supervisory approval, and (if available) consultation with a liaison from County Mental Health. In instances where the decision is made to strategically disengage, a liaison from County Mental Health should be notified when time allows, so follow up can be conducted. Additionally, a case number shall be taken to document the incident, and a disengagement/re-engagement plan should be considered.

#### **409.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Humboldt County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

### 410.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 410.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Supervisor is immediately advised and informed of the details. This will enable the Watch Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 410.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 410.4.1 HUMBOLDT COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Humboldt County Sheriff's Office facility, the Watch Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's department, as he/she deems appropriate.

#### 410.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Humboldt County Sheriff's Office that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Supervisor deems appropriate.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Response to Bomb Calls*

---

#### **410.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### **410.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the County of Humboldt County Sheriff's Office, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

##### **410.5.1 ASSISTANCE**

The Watch Supervisor should be notified when sheriff's assistance is requested. The Watch Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Watch Supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Response to Bomb Calls*

---

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **410.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Supervisor including:
  - 1. The time of discovery.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Response to Bomb Calls*

---

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

#### **410.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **410.7.1 CONSIDERATIONS**

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### **410.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Response to Bomb Calls*

---

#### 410.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

#### 410.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Supervisor should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.



## Mental Illness Commitments

### 411.1 PURPOSE AND SCOPE

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).

### 411.2 POLICY

It is the policy of the Humboldt 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.

### 411.3 AUTHORITY

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

#### 411.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, the deputy 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) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes their mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.

### 411.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mental Illness Commitments*

---

- (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.

#### **411.4.1 SECURING OF PROPERTY**

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 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).

#### **411.5 TRANSPORTATION**

When transporting any individual for a 5150 commitment, the transporting deputy should have Emergency Communications Center 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, Watch Supervisor approval is required before transport commences.

#### **411.6 TRANSFER TO APPROPRIATE FACILITY**

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mental Illness Commitments*

---

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.

#### **411.7 DOCUMENTATION**

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.

##### **411.7.1 ADVISEMENT**

The deputy taking a person into custody for evaluation shall advise the person of:

- (a) The deputy's name and agency.
- (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).

#### **411.8 CRIMINAL OFFENSES**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mental Illness Commitments*

---

- (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.

#### **411.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions 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).

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 the Property Division Policy).

##### **411.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS**

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Major Crimes Division, 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.

#### **411.10 TRAINING**

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

### **412.1 PURPOSE AND SCOPE**

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

### **412.2 POLICY**

It is the policy of the Humboldt 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.

### **412.3 RELEASE BY CITATION**

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

#### **412.3.1 FIELD CITATIONS**

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

#### **412.3.2 RELEASE AFTER BOOKING**

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. All bookings shall be approved by the Watch Supervisor or the authorized designee.

### **412.4 NON-RELEASE**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Cite and Release Policy*

---

#### 412.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

#### 412.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Supervisor may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Office and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Cite and Release Policy*

---

- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
  - 1. Previous failure to appear is on record
  - 2. The person lacks ties to the area, such as a residence, job, or family
  - 3. Unusual circumstances lead the deputy responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Supervisor for approval and included with the case file in the Records Division.

#### **412.5 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released, subject to Watch Supervisor approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace deputy.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Cite and Release Policy*

---

- (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.

#### **412.6 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Humboldt County Sheriff's Office County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Major Crimes Division for further action including diversion.

#### **412.7 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if the deputy feels the situation should be documented more thoroughly in a case report.



# Foreign Diplomatic and Consular Representatives

## 413.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Humboldt County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 413.2 POLICY

The Humboldt County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 413.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 413.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Foreign Diplomatic and Consular Representatives*

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers
  - 5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

#### **413.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **413.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Foreign Diplomatic and Consular Representatives

| Category                                               | Arrested or Detained                                     | Enter Residence Subject to Ordinary Procedures | Issued Traffic Citation | Subpoenaed as Witness                                              | Prosecuted                                        | Recognized Family Members                       |
|--------------------------------------------------------|----------------------------------------------------------|------------------------------------------------|-------------------------|--------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------|
| <b>Diplomatic Agent</b>                                | No (note (b))                                            | No                                             | Yes                     | No                                                                 | No                                                | Same as sponsor (full immunity & inviolability) |
| <b>Member of Admin and Tech Staff</b>                  | No (note (b))                                            | No                                             | Yes                     | No                                                                 | No                                                | Same as sponsor (full immunity & inviolability) |
| <b>Service Staff</b>                                   | Yes (note (a))                                           | Yes                                            | Yes                     | Yes                                                                | No for official acts.<br>Yes otherwise (note (a)) | No immunity or inviolability (note (a))         |
| <b>Career Consul Officer</b>                           | Yes if for a felony and pursuant to a warrant (note (a)) | Yes (note (d))                                 | Yes                     | No for official acts<br>Testimony may not be compelled in any case | No for official acts.<br>Yes otherwise (note (a)) | No immunity or inviolability                    |
| <b>Honorable Consul Officer</b>                        | Yes                                                      | Yes                                            | Yes                     | No for official acts<br>Yes otherwise.                             | No for official acts<br>Yes otherwise             | No immunity or inviolability                    |
| <b>Consulate Employees</b>                             | Yes (note (a))                                           | Yes                                            | Yes                     | No for official acts<br>Yes otherwise.                             | No for official acts.<br>Yes otherwise (note (a)) | No immunity or inviolability (note (a))         |
| <b>Int'l Org Staff (note (b))</b>                      | Yes (note (c))                                           | Yes (note (c))                                 | Yes                     | Yes (note (c))                                                     | No for official acts.<br>Yes otherwise (note (c)) | No immunity or inviolability                    |
| <b>Diplomatic-Level Staff of Missions to Int'l Org</b> | No (note (b))                                            | No                                             | Yes                     | No                                                                 | No                                                | Same as sponsor (full immunity & inviolability) |
| <b>Support Staff of Missions to Int'l Orgs</b>         | Yes                                                      | Yes                                            | Yes                     | Yes                                                                | No for official acts<br>Yes otherwise             | No immunity or inviolability                    |

Notes for diplomatic immunity table:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Foreign Diplomatic and Consular Representatives*

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 414.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

### 414.2 POLICY

The Humboldt County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

### 414.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Rapid Response and Deployment*

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

#### **414.3.1 RESPONSE TO SCHOOL THREATS**

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, deputies shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

#### **414.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **414.5 PLANNING**

The Field Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Rapid Response and Deployment*

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### **414.6 TRAINING**

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - (a) This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

## Reporting Police Activity Outside of Jurisdiction

### **415.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Humboldt County Sheriff's Office.

#### **415.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY**

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Supervisor. If the request is of an emergency nature, the deputy shall notify Emergency Communications Center before responding and thereafter notify a supervisor as soon as practical.

#### **415.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY**

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Humboldt County Sheriff's Office shall notify his or her supervisor or the Watch Supervisor at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Supervisor as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.



## Immigration Violations

### **416.1 PURPOSE AND SCOPE - CONFORMANCE TO SB54 AND RELATED LAWS**

The purpose of this policy is to establish guidelines with the California Values Act, and related statutes, concerning responsibilities associated with immigration law, including cooperation with the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE), or other federal immigration officers, regarding persons arrested and booked into the Sheriff's custody, and other Departmental operations.

### **416.2 POLICY**

It is the policy of the Humboldt County Sheriff's Office to comply with state and local law governing law enforcement's ability to interact and cooperate with federal immigration officers.

Pursuant to the California Values Act, members of the Department may not use Department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

- (a) Inquiring into an individual's immigration status.
- (b) Detaining an individual on the basis of a hold request.
- (c) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless in compliance with the provisions set forth herein.
- (d) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless in compliance with the provisions set forth herein.
- (e) Making or intentionally participating in arrests based on civil immigration warrants.
- (f) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.
- (g) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

Members of the Department may not place other members of the Department under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All members of this Department are subject to California law governing conduct of peace officers and the policies of this Department.

Members of this Department may not use immigration authorities as interpreters for law enforcement matters relating to individuals in Department custody.

Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or as otherwise set forth herein. See 428.9 of this Policy and appendices 1, 2, and 3 set forth below.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

---

Members of the Department may not provide office space exclusively dedicated for immigration authorities for use within county law enforcement facilities. However, immigration authorities may be provided office space for their use so long as the office space provided is non-exclusive for such use.

Members of the Department are not prohibited from the following pursuant to the California Values Act:

- (a) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.
- (b) From sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, 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.

#### **416.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

#### **416.4 LAW ENFORCEMENT CONTACTS**

Non-consensual contacts, detentions, and arrests shall be based on reasonable suspicion or probable cause as appropriate. A Deputy shall not initiate any law enforcement action based on observations relating to immigration status (such as lack of documentation).

##### **416.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)**

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

##### **416.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES**

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

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#### **416.5 DETENTIONS AND ARRESTS**

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

#### **416.6 RELEASE OF ARRESTEE/INMATE INFORMATION TO DHS/ICE**

All Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) inquiries will be subject to the guidelines as outlined in the California Values Act, TRUST Act and TRUTH Act. Further, unless otherwise provided herein, all requests from ICE will be handled in the same manner as requests for information from the general public pursuant to the California Public Records Act. To ensure uniform compliance with applicable laws and regulations, all DHS and ICE inquiries will be directed to Facility Manager or their designee. The Facility Manager or designee will ensure compliance with the Values Act, the Humboldt County Sanctuary Ordinance codified as Chapter 1 of Division 12 of Title IX of the Humboldt County Code, and the Public Records Act prior to disclosing information to DHS or ICE agents.

Receipt of a DHS, Voluntary Notification of Release of Suspected Priority Alien (Form I-247N), or Immigration Detainer – Notice of Action (Form I-247A), provided by ICE, shall be considered a request made pursuant to the California Public Records Act for information regarding an individual's release date. Such information may only be provided to DHS/ICE if disclosure is required pursuant to the Public Records Act and the information has been made available to the public on the Department's web page and/or at the public information desk.

Requested information cannot be provided to DHS/ICE except in compliance with this policy. Information cannot be provided to DHS/ICE for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

---

it amended the Penal Code, unless that information has been made available on the Department's web page and/or at the public information desk.

In the event that the Facility is required to act on a warrant, subpoena, or other order which requires the sharing of personal information and/or release dates, the individual named in the warrant or subpoena shall be notified in writing immediately upon receipt by the agency.

#### **416.7 INMATE NOTIFICATION PURSUANT TO CALIFORNIA TRUTH ACT**

The Facility Manager or designee will, in advance of any interview between ICE and an individual in Department custody regarding civil immigration violations, provide the inmate with the Department's written consent form ICE Interview Rights Form explaining the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The ICE Interview Rights Form shall be provided in English, Spanish, Chinese, Tagalog, Vietnamese, or Korean, as appropriate for the inmate.

The inmate's response shall be documented in the departments ICE Tracking Files. If the inmate refused to sign the form, the refusal shall be documented on the ICE interview Rights Form.

Upon receiving and DHS/ICE hold, notification, or transfer request, the Facility Manager or designee shall provide a copy of the request to the individual and inform him or her whether the Department intends to comply with the request. If the Department provides DHS/ICE with notification that an individual is being, or will be, released on a certain date in compliance with this policy, the Facility Manager or designee shall promptly provide the same notification in writing, utilizing the ICE Notification of Release Date Form to the inmate and to his or her attorney or to one additional person who the individual shall be permitted to designate.

#### **416.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Major Crimes Division supervisor assigned to oversee the handling of any related case. The Major Crimes Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

---

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
  3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
  4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

#### 416.8.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

#### 416.8.2 POLICE REPORTS

Upon request, a deputy or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

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#### **416.9 RELEASE OF INMATE**

In no event shall an inmate be held past their scheduled date of release or be delayed during the release process due to the issuance of an I-247A, or any other federal immigration form. Moreover, as noted herein, members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been convicted of the crimes or otherwise met the criteria set forth in Appendix 1, 2, or 3.

#### **416.10 PUBLIC RECORD**

All reports described in Sections 428.7 and 428.8.1 of this policy shall be considered public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure.

Records relating to ICE access include, but are not limited to, data maintained by the Department regarding the number and demographic characteristics of individuals to whom the Department has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means.

To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

#### **416.11 INMATE FINGERPRINTING**

Except as shall be required for booking upon arrest upon suspicion of criminal activity not pertaining to immigration status, no individual shall be required to submit to a fingerprint check of any sort unless there is an outstanding warrant or pending criminal charges on the individual.

#### **416.12 REPORTING OF DATA**

The Facility Manager or designee shall prepare a report which shall be sent annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers of inmates to DHS/ICE custody. The report shall specify the offense that allowed for the transfer, in accordance with the criteria set forth herein.

By no later than July 1, 2019, the Sheriff shall provide, to the Board of Supervisors, a written report stating the number of detentions that were solely based on a civil immigration detainer (if any) during the first six months following the effective date of the Humboldt County Sanctuary Ordinance and detailing the legal criteria behind each of those civil immigration detainer.

Bi-annually the Sheriff shall submit a written report to the Board of Supervisors and the Mayor of Eureka, by January 1st and July 1st of each year, addressing the following issues for the time period covered by the report:

(1) A description of all communications received from the Federal agency charged with enforcement of the Federal Immigration law, including but not limited to the number of civil immigration detainees, notification requests, or other types of communication.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

---

(2) A description of any communications the Department made to the Federal agency charged with enforcement of the Federal immigration law, including but not limited to an Department's responses to inquiries as described herein.

#### **416.13 APPENDIX 1 - "SERIOUS FELONIES"**

- (1) Murder or voluntary manslaughter;
- (2) Mayhem;
- (3) Rape;
- (4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (6) Lewd or lascivious act on a child under 14 years of age;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- (9) Attempted murder;
- (10) Assault with intent to commit rape or robbery;
- (11) Assault with a deadly weapon or instrument on a peace officer;
- (12) Assault by a life prisoner on a non-inmate;
- (13) Assault with a deadly weapon by an inmate;
- (14) Arson;
- (15) Exploding a destructive device or any explosive with intent to injure;
- (16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- (17) Exploding a destructive device or any explosive with intent to murder;
- (18) Any burglary of the first degree;
- (19) Robbery or bank robbery;
- (20) Kidnapping;
- (21) Holding of a hostage by a person confined in a state prison;
- (22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) Any felony in which the defendant personally used a dangerous or deadly weapon;

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

---

- (24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
- (25) Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (26) Grand theft involving a firearm;
- (27) Carjacking;
- (28) Any felony offense, which would also constitute a felony violation of Section 186.22;
- (29) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
- (30) Throwing acid or flammable substances, in violation of Section 244;
- (31) Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
- (32) Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
- (33) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
- (35) Continuous sexual abuse of a child, in violation of Section 288.5;
- (36) Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100;
- (37) Intimidation of victims or witnesses, in violation of Section 136.1;
- (38) Criminal threats, in violation of Section 422;
- (39) Any attempt to commit a crime listed in this subdivision other than an assault;
- (40) Any violation of Section 12022.53;
- (41) A violation of subdivision (b) or (c) of Section 11418; and
- (42) Any conspiracy to commit an offense described in this subdivision.

#### **416.14 APPENDIX 2 - "VIOLENT FELONIES"**

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

---

- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

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#### **416.15 APPENDIX 3 - CONVICTION CRITERIA FOR PROVISION OF NON-PUBLICLY AVAILABLE INFORMATION TO DHS/ICE OFFICIALS AND TRANSFER TO CUSTODY OF DHS/ICE OFFICIALS**

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code. See Appendices I and II above.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

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(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Immigration Violations*

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(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

## Field Training Officer Program

### 417.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Humboldt 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.

### 417.2 FIELD TRAINING OFFICER / SHERIFF'S CORPORAL - SELECTION AND TRAINING

The Field Training Officer (FTO) and Corporal (CPL) 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.

#### 417.2.1 SELECTION PROCESS

FTOs and CPL's will be selected based on the following requirements:

- (a) Desire to be an FTO / CPL
- (b) Minimum of two years of general law enforcement uniformed patrol experience.office
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs / CPL's
- (f) Possess a POST Basic certificate

#### 417.2.2 TRAINING

A deputy selected as a Field Training Officer / CPL shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO/CPL.

All FTOs / CPL's 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 / CPL's must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

### 417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR (FTO SERGEANT)

The FTO Program supervisor should be selected from the rank of sergeant or above by the Field Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs / CPL's
- (b) Conduct FTO meetings

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Field Training Officer Program*

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- (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 / CPL's
- (j) Submit recommendations to the field training administrator

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)).

#### **417.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the Humboldt County Sheriff's Office who has successfully completed a POST approved Basic Academy.

#### **417.5 REQUIRED TRAINING**

Entry level deputies shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience. A lateral deputy may be exempt from the Field Training Program requirement if the deputy qualifies for an exemption as provided in 11 CCR 1005(a)(B).

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.

##### **417.5.1 FIELD TRAINING MANUAL**

Each new deputy will be issued LEFTA access to 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 Humboldt County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Humboldt County Sheriff's Office.

#### **417.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **417.6.1 FIELD TRAINING OFFICER / SHERIFF'S CORPORAL**

The FTO / CPL will be responsible for the following:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Field Training Officer Program*

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- (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 Observation Report (DOR) 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.
- (e) Complete, review, and implement all content provided in the Field Training Training Manual

#### 417.6.2 FIELD TRAINING SERGEANT

The Field Training Sergeant shall review and approve the Daily Observation Report and forward them to the Field Training Administrator.

#### 417.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator, a Sheriff's Lieutenant, will review and approve the Daily Observation Report submitted by the FTO through his/her Field Training Sergeant.

The Field Training Administrator is responsible for the general oversight and management of the Field Training Program and will make recommendations to the Sheriff on trainee phase advancement or discontinuance.

#### 417.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs / Cpl's and on the Field Training Program.

### **417.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files located in LEFTA and will consist of the following:

- (a) Daily Observation Report
- (b) End-of-phase evaluations
- (c) Remedial Training Plans or Performance Improvement Plans
- (d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

### **417.8 SHERIFF'S CORPORAL DUTIES AND RESPONSIBILITIES**

The Sheriff's Corporal position shares many of the same duties and responsibilities as an FTO. Each Corporal will be expected to train Deputy Sheriff Recruits as needed and will be considered a first line supervisor in the absence of a Sergeant. Corporals may be scheduled as the Officer in Charge (OIC) for shifts when the assigned Sergeant is ill or has scheduled time off.

## Aircraft Accidents

### 418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 418.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 418.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 418.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 418.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Aircraft Accidents*

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#### **418.5 NOTIFICATIONS**

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

#### **418.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Deputy 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 by the appropriate agency.

#### **418.7 DANGEROUS MATERIALS**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Aircraft Accidents*

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **418.8 INVESTIGATION**

Aircraft bearing an "N" registration number are considered documented aircraft by the NTSB and FAA. All other aircraft, ultra-lite, and para gliders, are considered vehicles and do not require a pilot's license to operate. If an accident occurs with a non-documented aircraft, the investigation will be the responsibility of the agency of jurisdiction responsible for investigating vehicle accidents for that area, i.e.: CHP. If the non-documented accident results in a fatality the Humboldt County Sheriff's Office should investigate the incident as a death investigation.

##### **418.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **418.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

#### **418.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Aircraft Accidents*

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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.

## Obtaining Air Support

### **419.1 PURPOSE AND SCOPE**

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### **419.2 REQUEST FOR HELICOPTER ASSISTANCE**

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### **419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration and approval of the request for a helicopter, the Watch Supervisor, or his/her designee, will call the closest agency having helicopter support available. The Watch 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**

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

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

Definitions related to this policy include:

**Consensual encounter** - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Field interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

### 420.2 POLICY

The Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Contacts and Temporary Detentions*

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#### **420.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Humboldt County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

##### **420.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the deputy

#### **420.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Contacts and Temporary Detentions*

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

#### **420.5 FIELD PHOTOGRAPHS**

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**

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**

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**

All detainee photographs must be adequately labeled and submitted to the Watch Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Division.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Contacts and Temporary Detentions*

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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**

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**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Humboldt 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

The purpose of this policy is to ensure that the Humboldt 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

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

The Humboldt 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

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

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 Division. Any supporting documentation for an entry shall be retained by the Records Division in accordance

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Criminal Organizations*

---

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 Division are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

#### 421.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (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 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 Division 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 Division supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Criminal Organizations*

---

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**

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**

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 Division or Property Division, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Emergency Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### **421.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

#### **421.5 INFORMATION RECOGNITION**

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Criminal Organizations*

---

- (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 Sergeant to train members to identify information that may be particularly relevant for inclusion.

#### **421.6 RELEASE OF INFORMATION**

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **421.7 CRIMINAL STREET GANGS**

The Major Crimes Division supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
  - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
  - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
  - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Criminal Organizations*

---

#### **421.8 TRAINING**

The Training Sergeant 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.

##### **421.8.1 SHARED GANG DATABASE TRAINING**

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Office (Penal Code § 186.36; 11 CCR 751.6).

## Watch Commanders

### **422.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives.

### **422.2**

## Duty Officer

### 423.1 PURPOSE AND SCOPE

This Order establishes a method whereby a Sheriff's Office Duty Officer will be available at all times, including weekends and holidays. The Duty Officer will be a ranking, sworn officer (Lieutenant or above) and shall be assigned on a rotating basis.

It is not the intent of this Order to preclude the use of other Sheriff's Office personnel to act as Watch Commanders when necessary, or as part of their regular duties, but rather to supplement those personnel with a person of sufficient rank and authority to act in an overall capacity for the Sheriff's Office.

### 423.2 POLICY

Personnel assigned to act as Sheriff's Office Duty Officers shall have overall command of the Sheriff's Office during their assignment. They shall have the authority to act in the Sheriff's name in all matters affecting the operations of the Sheriff's Office, regardless of their regular Bureau or Divisional assignment. The following personnel will be required to act as Sheriff's Office Duty Officer, on a rotating basis:

- (a) Undersheriff
- (b) Captain, Operations Services Bureau
- (c) Lieutenant, Patrol Operations Division
- (d) Lieutenant, Criminal Investigations Division
- (e) Lieutenant, Court Services Division
- (f) Lieutenant, North Area Command
- (g) Lieutenant, Administrative
- (h) Lieutenant, Coroner's Office
- (i) Lieutenant, Drug Task Force

### 423.3 PROCEDURE

#### 423.3.1 AVAILABILITY

Personnel assigned to be available as the Sheriff's Office Duty Officer shall be available in accordance with the following schedule:

- (a) The weekend availability shall be from 1600 hours on Friday, to 0800 hours on the following Monday. That Duty Officer shall also be available on the following Monday, Tuesday, Wednesday and Thursday, after normal business hours, from 1600 hours that day, until 0800 hours the following day.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Duty Officer*

---

- (b) If a holiday falls on the Friday prior to the weekend assignment, the person assigned to be available that weekend shall be the Duty Officer for that holiday. His/her duty availability will begin at 0001 hours on that holiday.

#### 423.3.2 SCHEDULE

It shall be the responsibility of the Operations Services Bureau Commander to prepare a yearly availability schedule of the Duty Officers. The duty schedule for an upcoming calendar year shall be completed and distributed no later than December 28 of the previous calendar year. The duty schedule may take into account any scheduled vacations approved prior to the start of the New Year. The schedule shall be distributed to all supervisory personnel and the Communications Section. The rotating duty schedule will be developed by using the following position placements:

- (a) Undersheriff
- (b) Captain, Operations Bureau
- (c) Lieutenant, Main Station Patrol Division
- (d) Lieutenant, Criminal Investigations Division
- (e) Lieutenant, Administrative
- (f) Lieutenant, Court Services Division
- (g) Lieutenant, Coroner's Office
- (h) Lieutenant, North Area Command
- (i) Lieutenant, Drug Task Force

#### 423.3.3 NOTIFICATION

It is the responsibility of the on-duty Watch Commander, shift supervisor, or other person in charge of any unit to immediately notify the Duty Officer of any event, incident, or circumstance which is of significant concern to the Sheriff's Office as outlined in our policy and procedures.

The Duty Officer shall make him/herself available at all times during his/her tour of duty for such notifications.

Duty Officers may exchange duty weeks or specific duty days with another rotating Duty Officer. If such an exchange is made, it is the responsibility of Duty Officer

listed on the schedule

to notify all supervisory personnel and the Communications Section of the exchange.

#### 423.3.4 CHAIN OF COMMAND

Nothing in this Order is to be construed as usurping the authority of any Watch Commander, shift supervisor, or other person in charge of a unit. The Sheriff's Office Chain of Command is, in descending order, as follows during the weekends, holidays, and after normal business hours.

- (a) Sheriff



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Duty Officer*

---

- (b) Undersheriff
- (c) Captain or Lieutenant (of effected Division)
- (d) Department Duty Officer
- (e) Shift Supervisor
- (f) Person in charge of a unit

#### 423.3.5 RELIEF OF DUTY

Only the Sheriff or , Undersheriff as his/her designee, may relieve the Duty Officer of any duties imposed on him/her by this Order.

## Mobile Data Center Use

### 424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Tablet (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Emergency Communications Center.

### 424.2 MDC USE

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 Watch Supervisor.

#### 424.2.1 USE WHILE DRIVING

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

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

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Data Center Use*

---

Other changes in status may be entered by depressing the appropriate keys on the MDT's.

#### **424.2.4 EMERGENCY ACTIVATION OF MDC**

If the emergency button is depressed on the MDT, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the deputy answers in some other way, the dispatcher shall proceed as follows:

- (a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.
- (b) Notify the field sergeant and Watch Supervisor of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

#### **424.3 MDC CONSIDERATIONS**

##### **424.3.1 NON-FUNCTIONING MDC**

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 Emergency Communications Center. It shall be responsibility of Emergency Communications Center to record all information that will then be transmitted verbally over the sheriff's radio.

##### **424.3.2 BOMB CALLS**

When investigating reports of possible bombs, deputies will turn off their MDT's. Operating the MDT may cause some devices to detonate.

#### **424.4 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

#### **424.5 POLICY**

Humboldt County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

#### **424.6 RESTRICTED ACCESS AND USE**

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Supervisors.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Data Center Use*

---

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### **424.6.1 USE WHILE DRIVING**

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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.

#### **424.7 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Watch Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

#### **424.7.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Data Center Use*

---

#### **424.7.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Watch Supervisor are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

#### **424.8 EQUIPMENT CONSIDERATIONS**

##### **424.8.1 MALFUNCTIONING MDT**

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Emergency Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

##### **424.8.2 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

## Portable Audio/Video Recorders

### **425.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

The purpose of body worn cameras (BWC) and audio recorders is to provide documentary evidence for criminal investigations, internal or administrative investigations and civil litigation. Members shall utilize the BWCs and audio recorders in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

While BWC recordings can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the BWC will capture information that may not have been heard and/or observed by the involved employee(s). Similarly, there will be situations where the BWC will not capture information that was heard and/or observed by the involved employee(s).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Humboldt County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### **425.2 POLICY**

The Humboldt 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**

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**

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Portable Audio/Video Recorders*

---

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, HCSO 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 recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

#### **425.4.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, 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 PORTABLE RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Emergency Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Portable Audio/Video Recorders*

---

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### **425.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

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.

#### **425.5.2 CESSATION OF RECORDING**

Once activated, the portable recorder 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).

#### **425.5.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **425.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using office-issued portable recorders 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 Watch Supervisor. 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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Portable Audio/Video Recorders*

---

#### **425.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (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.

##### **425.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

#### **425.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

#### **425.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Portable Audio/Video Recorders*

---

- (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.

#### **425.10 COORDINATOR**

The Sheriff or the authorized designee shall appoint a member of the Office to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

#### **425.11 RETENTION OF RECORDINGS**

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force 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 Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Portable Audio/Video Recorders*

---

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

#### 425.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS

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

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

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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Marijuana*

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#### **426.2 POLICY**

It is the policy of the Humboldt 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 Humboldt 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**

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**

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**

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.
- (d) The person possesses marijuana but not for personal medical purposes.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Marijuana*

---

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

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

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at a later time.
  - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
  - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Marijuana*

---

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, the climate, etc.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under the MMP (Health and Safety Code § 11362.775; Business and Professions Code § 26032).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

#### 426.3.5 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
  1. In any place where smoking is prohibited by law.
  2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
  3. On a school bus.
  4. While in a motor vehicle that is being operated.
  5. While operating a boat.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Marijuana*

---

- (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).

#### **426.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE**

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

#### **426.4 FEDERAL LAW ENFORCEMENT**

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

#### **426.5 PROPERTY DIVISION SUPERVISOR RESPONSIBILITIES**

The Property Division 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 Division 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 Division 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 Division supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Major Crimes Division supervisor.



## Bicycle Patrol Unit

### 427.1 PURPOSE AND SCOPE

The Humboldt County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 427.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Supervisor.

### 427.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### 427.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Field Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle deputies.
- (e) Coordinating activities with the Field Operations Division.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Bicycle Patrol Unit*

---

- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

#### **427.4 TRAINING**

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol deputies should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol deputies will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

#### **427.5 UNIFORMS AND EQUIPMENT**

Deputies shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or the Mocean Velocity Bike Shirt and Shorts. Colors shall match those of the standard tan and green patrol uniform. Other uniform shirts or shorts may be approved at the discretion of the Sheriff as long as they meet all requirements for badge, patches and name identification.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

#### **427.6 CARE AND USE OF PATROL BICYCLES**

Deputies will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Bicycle Patrol Unit*

---

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Deputies shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the deputy need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the deputy's immediate presence.

#### **427.7 DEPUTY RESPONSIBILITY**

Deputies must operate the bicycle in compliance with the vehicle code under normal operation. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

Deputies are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

## Foot Pursuits

### 428.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

#### 428.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

### 428.2 DECISION TO PURSUE

The safety of department members 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 members.

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Foot Pursuits*

---

- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

#### **428.3 GENERAL GUIDELINES**

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Foot Pursuits*

---

- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

#### **428.4 RESPONSIBILITIES IN FOOT PURSUITS**

##### **428.4.1 INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Foot Pursuits*

---

further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

#### **428.4.2 ASSISTING DEPUTY RESPONSIBILITIES**

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

#### **428.4.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

#### **428.4.4 EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

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

#### **428.5 REPORTING REQUIREMENTS**

The initiating deputy shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Foot Pursuits*

---

- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

#### **428.6 POLICY**

It is the policy of this department that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.



## Homeless Persons

### **429.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Humboldt County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Humboldt 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.

#### **429.1.1 POLICY**

It is the policy of the Humboldt 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.

### **429.2 HOMELESS COMMUNITY LIAISON**

The Sheriff will designate a member of this office to act as the Homeless Liaison Deputy. The responsibilities of the Homeless Liaison Deputy include the following:

- (a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Correspond regularly with social services and representatives of other organizations that render assistance to the homeless. This should include local shelters.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  - 1. Proper posting of notices of trespass and clean-up operations.
  - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this office involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

### **429.3 FIELD CONTACTS**

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Homeless Persons*

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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.

#### **429.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

#### **429.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Homeless Persons*

---

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the office Homeless Liaison Deputy. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the office Homeless Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Deputy to address the matter in a timely fashion.

#### **429.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

#### **429.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

## Crisis Intervention Incidents

### 430.1 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.

#### 430.1.1 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.

### 430.2 POLICY

The Humboldt 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.

### 430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Intervention Incidents*

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#### **430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Sheriff should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **430.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  - 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Intervention Incidents*

---

#### **430.6 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.

#### **430.7 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.

#### **430.8 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Intervention Incidents*

---

- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **430.9 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.

##### **430.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

#### **430.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

#### **430.11 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Crisis Intervention Incidents*

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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.

#### **430.12 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).



## Public Recording of Law Enforcement Activity

### 431.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 431.2 POLICY

The Humboldt 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.

### 431.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
  - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

### 431.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Recording of Law Enforcement Activity*

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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.

#### **431.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **431.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Public Recording of Law Enforcement Activity*

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# First Amendment Assemblies

## 432.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 432.2 POLICY

The Humboldt 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.

## 432.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

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#### 432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### 432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Emergency Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

---

- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 432.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### 432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### 432.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conducted Energy Weapons 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

---

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.

#### **432.8 ARRESTS**

The Humboldt 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).

#### **432.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

##### **432.9.1 MEDIA ACCESS**

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

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#### **432.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **432.11 POST EVENT**

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, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Emergency Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

##### **432.11.1 AFTER-ACTION REPORTING**

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:

- (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.

#### **432.12 TRAINING**

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

---

#### **432.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL**

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
  - 1. A violation of an imposed curfew.
  - 2. A verbal threat.
  - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

##### **432.13.1 USE SUMMARY**

The Field Operations Bureau Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *First Amendment Assemblies*

---

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.

#### **432.14 ANTI-REPRODUCTIVE RIGHTS CALLS**

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

## Suspicious Activity Reporting

### 433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

#### 433.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. 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 should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

### 433.2 POLICY

The Humboldt County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

### 433.3 RESPONSIBILITIES

The Major Crimes Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Major Crimes Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Suspicious Activity Reporting*

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **433.4 REPORTING AND INVESTIGATION**

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **433.5 HANDLING INFORMATION**

The Records Division will forward copies of SARs, in a timely manner, to the following:

- Major Crimes Division supervisor
- Crime Analysis Unit
- Other authorized designees

## Medical Aid and Response

### 434.1 PURPOSE AND SCOPE

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

It is the policy of the Humboldt 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

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) 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 Emergency Communications Center 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 Emergency Communications Center 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 extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Aid and Response*

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#### **434.4 TRANSPORTING ILL AND INJURED PERSONS**

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**

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 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **434.7 AIR AMBULANCE**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Aid and Response*

---

The Field Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that 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.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. 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.

#### **434.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

##### **434.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs 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 shall be taken out of service and given to the Training Sergeant 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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Aid and Response*

---

Any member who uses an AED should contact Emergency Communications Center as soon as possible and request response by EMS.

#### **434.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

#### **434.8.3 AED TRAINING AND MAINTENANCE**

The Training Sergeant 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 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

### **434.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

#### **434.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified 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 Training Sergeant.

Any member who administers an opioid overdose medication should contact Emergency Communications Center as soon as possible and request response by EMS.

#### **434.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report and accompanying North Coast EMS Reporting Form.

The on duty supervisor will ensure that the Records Manager/Legal Office Manager is provided enough information to meet applicable state reporting requirements.

#### **434.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

#### **434.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Aid and Response*

---

#### **434.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS**

The Field Operations Division Commander may authorize the acquisition of epinephrine auto-injectors for use by office members as provided by Health and Safety Code § 1797.197a. The Training Sergeant shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100027.03).

##### **434.10.1 EPINEPHRINE USER RESPONSIBILITIES**

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Office operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Office Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact Emergency Communications Center as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

##### **434.10.2 EPINEPHRINE AUTO-INJECTOR REPORTING**

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Training Sergeant should ensure that the Records Manager is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the Office established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

##### **434.10.3 EPINEPHRINE AUTO-INJECTOR TRAINING**

The Training Sergeant should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100027.03.

#### **434.11 SICK OR INJURED ARRESTEE**

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.

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Medical Aid and Response*

---

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.

#### **434.12 FIRST-AID TRAINING**

The Training Sergeant should ensure deputies receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

## Civil Disputes

### 435.1 PURPOSE AND SCOPE

This policy provides members of the Humboldt 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. As no two civil standby requests are the same, no procedure can be developed that can address every scenario. Nor can this policy outline every conceivable event that may occur. However, the intent of this basic procedure is to provide guidance for the civil division, dispatch, and patrol staff for civil standby issues. While adhering to this policy, it will ultimately be the decision of the on-duty supervisor to handle each call for service as they see fit.

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.

### 435.2 POLICY

The Humboldt County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 435.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial. Calls for service "to keep the peace" are often referred to as civil standbys. These are considered low priority calls for service.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Civil Disputes*

---

- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.
- (f) The civil standby will take place at county addresses only. If the standby is to occur within city limits, the requesting party shall be referred to the responsible municipality.

#### **435.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent 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.

##### **435.4.1 STANDBY REQUESTS**

Deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **435.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Civil Disputes*

---

crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **435.6 REAL PROPERTY**

- (a) Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order. HCSO will not generally provide civil standby service for evictions due to liability and lack of resources.
- (b) This would not apply to move out orders pursuant to a Domestic Violence Restraining Order or other similar laws. HCSO would help enforce those orders. Full faith and credit applies to the Indian Child Welfare Act, Violence Against Women Act, Child Support Enforcement Act, and Uniform Child Custody Jurisdiction and Enforcement Act. There may be other similar exceptions.
- (c) HCSO does not enforce evictions made pursuant to a tribal council or tribal court order because HCSO does not have legal authority to enforce such evictions.
- (d) If, in the process of enforcing a tribal council eviction, criminal activity ensued, the parties are encouraged to notify HCSO for a law enforcement response.
- (e) HCSO will enforce an eviction on tribal land when the tribe/landowner seeks comity in state court and obtains a writ of possession through the California Superior Court. The enforcement would then proceed in the normal matter of course pursuant to state law.

## Mobile Audio/Video

### 436.1 PURPOSE AND SCOPE

The Humboldt County Sheriff's Office has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

#### 436.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio/Video (MAV) system**- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 436.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

### 436.3 DEPUTY RESPONSIBILITIES

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 Office 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 Humboldt 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 MAV system's operation in accordance with manufacturer specifications and office operating procedures and training.

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Audio/Video*

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#### **436.4 ACTIVATION OF THE MAV**

The MAV 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.

##### **436.4.1 REQUIRED ACTIVATION OF MAV**

This policy is not intended to describe every possible situation in which the MAV 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 MAV. The MAV 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 use of force
  - 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 Emergency Communications Center
- (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



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Audio/Video*

---

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

#### 436.4.2 CESSATION OF RECORDING

Once activated, the MAV 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).

#### 436.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously record a conversation of any other member of this office 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.

#### 436.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Emergency Communications Center.

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 MAV system media.
  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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Audio/Video*

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- (c) The operation of MAV 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, officer-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV 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 MAV 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 MAV system for the purpose of monitoring the conversations or actions of a deputy.

#### **436.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images, and audio recordings are the property of the Office. Dissemination outside of the Office 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 Office MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By deputies for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to conduct documented reviews of their subordinate's MAV media at least annually to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MAV media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
- (d) To assess proper functioning of MAV systems
- (e) By office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By office personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment
- (h) By court personnel through proper process or with the permission of the Sheriff or the authorized designee
- (i) By the media through proper process

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Audio/Video*

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- (j) To assess possible training value
- (k) For training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the deputy's objection.
- (l) As may be directed by the Sheriff or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

#### **436.6 DOCUMENTING MAV USE**

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.

#### **436.7 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

##### **436.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

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.

##### **436.7.2 MAV RECORDINGS AS EVIDENCE**

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Humboldt County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

#### **436.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Audio/Video*

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- (c) The MAV 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 MAV transmitters.
- (e) Deputies using digital transmitters that are synchronized to their individual MAV 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 MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Deputies shall not erase, alter, reuse, modify or tamper with MAV 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 MAV technician.

#### **436.9 MAV TECHNICIAN RESPONSIBILITIES**

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
  - 1. Ensures it is stored in a secure location with authorized controlled access.
  - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
  - 1. Pursuant to a court order.
  - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
  - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Mobile Audio/Video*

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#### **436.10 TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

#### **436.11 ANNUAL PROGRAM REVIEW**

The MAV technician should complete an annual administrative review of the MAV program and provide it to the Sheriff for review.

# Automated License Plate Reader (ALPR) Technology

## 437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) camera technology.

## 437.2 POLICY

The policy of the Humboldt 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 camera technology are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

## 437.3 FLOCK SAFETY TECHNOLOGIES

The HCSO exclusively contracts with Flock Safety for ALPR equipment, processing, maintenance, storage, and purging. Flock Safety is a company that provides security and surveillance technology, primarily focused on license plate recognition (LPR) cameras, live video cameras, drones, gunshot detection and data analytics. Their systems are used by neighborhoods, businesses, and law enforcement agencies to help deter crime and aid in the investigation process. Flock Safety technology reduces crime, recovers stolen vehicles, and improves community safety while maintaining a core focus on responsible data usage. Flock Safety technology is used to capture objective evidence without compromising on individual privacies.

## 437.4 ADMINISTRATION

ALPR allows for the automated detection of license plates. It is used by the Humboldt 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, wanted persons, 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 Bureau Manager or their designee. The Administrative Services Bureau Manager will work with key department members to administer the day-to-day operation of the ALPR equipment and data.

The Humboldt County Sheriff's Office is compliant with SB 34 which states:

A public agency "shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law" "The provision of data hosting or towing services shall not be considered the sale, sharing, or transferring of ALPR information." (Civ. Code 1798.90.55,subd.(b)).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Automated License Plate Reader (ALPR) Technology*

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A public agency that operates or intends to operate an ALPR system must provide the opportunity for public comment at a regularly scheduled meeting of the agency before implementing the ALPR program (Civ. Code, 1798.90.55, subd. (b))

ALPR operators and end-users must develop a usage and privacy policy, which must be conspicuously posted on their website, and must contain provisions designed to "protect ALPR information from unauthorized access, destruction, use, modification, or disclosure." (Civ. Code, 1798.90.53, subds. (a)-(b); 1798.90.51, subd. (a)-(b);)

"Public Agency" is limited to state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (See Civ. Code 1798.90.5, subd. (f).) Accordingly, SB 34 does not permit California LEAs to share ALPR information with private entities or out-of-state or federal agencies. This prohibition applies to ALPR database(s) that LEAs access through private or public vendors who maintain ALPR information collected from multiple databases and/or public agencies.

#### **437.4.1 ALPR ADMINISTRATOR**

The Administrative Services Bureau Manager shall be responsible for developing and maintaining the below 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) Access to the Flock Safety ALPR system will be for any HCSO employees who have reason to access the ALPR system as part of their job duties. This includes, but is not limited to, all ranks of Deputy Sheriff, Dispatchers, Evidence Technicians, and Crime Analysts.
- (b) All approved users shall complete the Search and Lookup Certifications provided by Flock Technologies. Additionally, anyone with Admin rights to the system shall complete the Admin Certification, and dispatchers shall complete the Dispatcher Certification.
- (c) The Flock Safety ALPR system is crafted and maintained to be within compliance with all applicable laws. Flock Safety maintains all data storage.
- (d) All use of the Flock Safety system is tracked and maintained within the system by Flock Safety. The ALPR Administrator will conduct a monthly audit to verify compliance with Civil Code § 1798.90.52.
- (e) All data is stored by Flock Safety in their secure cloud until 30 days, at which time it is purged. None of this data is stored by the HCSO, unless it has been deemed evidence. In those instances, the data would be downloaded and then stored in the HCSO secure evidence area.
- (f) Verifying the most recent version of this policy is posted to our website.

#### **437.5 OPERATIONS**

Use of ALPR camera technology and data is restricted to the purposes outlined below. Office members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Automated License Plate Reader (ALPR) Technology*

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- (a) ALPR camera technologies shall only be used for official law enforcement business.
- (b) ALPR camera technologies 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 for capturing alerts to plates of vehicle descriptions. However, there must be a sufficient investigative reason to conduct searches using the Flock Safety ALPR database, and that reason shall be documented in the system with each individual search. A case number or call for service (CFS) number is required to justify any search, and shall be entered into the database.
- (c) While ALPR camera technologies may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this office shall operate ALPR equipment or access ALPR data without first completing HCSO approved training.
- (e) No ALPR operator may access HCSO, state or federal data unless otherwise authorized to do so.
- (f) deputy shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Additionally, when responding to alerts, Deputies shall take all reasonable precautions to confirm the information in the alert is valid before taking action.

#### **437.6 DATA COLLECTION AND RETENTION**

All data collected by the Flock Safety ALPR cameras is stored and maintained by Flocks Safety in their secure cloud. The HCSO does not store any data unless it is downloaded as evidence. office

All ALPR data collected and stored by Flock Safety will be stored for a maximum of 30 days before being purged..

#### **437.7 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Humboldt 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 office-related civil or administrative action.
- (c) ALPR system audits should be conducted on a monthly basis.
- (d) Any improper or unauthorized use of the system will be dealt with administratively, and criminally if applicable.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Automated License Plate Reader (ALPR) Technology*

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#### **437.8 RELEASING ALPR DATA**

The ALPR data will only be shared to another state or local law enforcement agency, and only as otherwise permitted by law and using the following procedures:

- (a) The agency makes a digital request through the Flock Safety database 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 Admin Services Bureau Manager or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on in the Flock Safety database.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed pursuant to Civil Code § 1798.90.55.

#### **437.8 TRAINING**

The Administrative Services Bureau Manager or their designee shall ensure that members receive office-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

This training will consist of the Search Certification and Lookup Certification provided by Flock Safety.

Additionally, Admin will be required to complete the Admin Certification, and Dispatchers will be required to complete the Dispatch Certification.

## Body-Worn Cameras

### 438.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this office and for the access, use, and retention of office BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

#### 438.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

**BWC media** - The video, audio, and images captured by office BWCs and the associated metadata.

**BWC media systems** - Any software, including web-based programs and mobile applications, used by the Office to upload/download, store, view, transfer, and otherwise maintain BWC media.

**Deactivate** - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

**Event** - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

### 438.2 POLICY

It is the policy of the Office to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and office accountability and transparency while also protecting the privacy of members of the public.

A violation of this policy subjects the member to discipline (Penal Code § 832.18) (see the Personnel Complaints Policy).

### 438.3 RESPONSIBILITIES

#### 438.3.1 BWC COORDINATOR RESPONSIBILITIES

The Sheriff or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include (Penal Code § 832.18):

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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- (a) Serving as a liaison between the Office and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Office and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
  - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
  - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned office duties.
  - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and office policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
  - 1. Provide the public with notice of the office's use of BWCs (e.g., posting on the office website or social media pages).
  - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Records Manager to (see the Records Division and Records Maintenance and Release policies):
  - 1. Determine and apply proper retention periods to BWC media. Agency legal counsel should be consulted in determining retention periods.
  - 2. Develop procedures for the appropriate release of BWC media.
- (j) Coordinating with the Property Division to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property Division Policy).
- (k) Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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- (l) Designating the persons responsible for downloading the recorded data from the BWC.
- (m) Completing an annual administrative review of the BWC program and providing it to the Sheriff for review.

#### **438.3.2 MEMBER RESPONSIBILITIES**

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance (Penal Code § 832.18).

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

#### **438.4 BWC USE**

The following guidelines apply to the use of BWCs:

- (a) Only office-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Sheriff or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of office-issued BWCs shall be strictly limited to office-related activities (Penal Code § 832.18).
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Sheriff.

##### **438.4.1 PROHIBITIONS**

BWCs should not be used to record:

- (a) Routine administrative activities of the Office that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Office has a duty to keep secure (i.e., criminal justice information).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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- (b) Areas within the office facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover deputies or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

#### **438.5 ACTIVATION OF BWC**

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

##### **438.5.1 NOTICE OF RECORDING**

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

##### **438.5.2 PRIVACY CONSIDERATIONS**

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate office interest in recording the event. Members may also mute or deactivate their BWC:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover deputy.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the office's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

#### 438.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Sheriff or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

#### 438.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

#### **438.6 DOWNLOADING BWC MEDIA**

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly downloaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be downloaded and tagged as soon as practicable upon returning to the Office (Penal Code § 832.18).

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and download and tag the BWC media if the storage system does not have automatic downloading capacity (Penal Code § 832.18).

##### **438.6.1 TAGGING BWC MEDIA**

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon downloading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly downloaded and tagged by their subordinates.

#### **438.7 BWC MEDIA**

All BWC media is the sole property of the Office (Penal Code § 832.18). Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Office and shall not be used by the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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vendor for any purpose without explicit approval of the Sheriff or the authorized designee (Penal Code § 832.18).

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Sheriff or the authorized designee (Penal Code § 832.18).

BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or the authorized designee.

#### 438.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate office-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.
- (b) Members may review their own BWC media for office-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a office-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are permitted to access and view BWC media of their subordinates.
  - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
  - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
  - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Training Sergeant is permitted to access and view BWC media for training purposes.
  - 1. The Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate office performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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2. The Training Sergeant may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Training Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Records Manager may access BWC media when necessary to conduct office-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

#### 438.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Manager should review BWC media before public release.

#### **438.8 RETENTION OF BWC MEDIA**

Non-evidentiary BWC media should be retained for a minimum of 60 days, after which it may be erased, destroyed, or recycled. Non-evidentiary media may be kept for more than 60 days for availability in case of a civilian complaint and to preserve transparency (Penal Code § 832.18).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Sheriff or the authorized designee.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

#### 438.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established office procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property Division Policy).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body-Worn Cameras*

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Evidentiary BWC media should be retained for a minimum of two years under the following circumstances (Penal Code § 832.18):

- (a) The recording is of an incident involving the use of force by a deputy or an officer-involved shooting.
- (b) The recording is of an incident that leads to the detention or arrest of an individual.
- (c) The recording is relevant to a formal or informal complaint against a deputy or the Humboldt 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).

#### **438.9 TRAINING**

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including downloading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

## **Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Humboldt 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

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Traffic Function and Responsibility*

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#### 500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

#### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

#### 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

#### 500.5 HIGH VISIBILITY VEST

(a) HIGH-VISIBILITY VESTS- The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598). Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

(b) REQUIRED USE- Except when working in a potentially adversarial or confrontational role, such as during vehicle, bicycle or pedestrian 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Traffic Function and Responsibility*

---

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, officers 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 officer might benefit from being readily identified as a member of law enforcement.

# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Humboldt County Sheriff's Office prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

## 501.2 RESPONSIBILITY

The Patrol Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Patrol Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

## 501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Patrol Lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Field Operations Division Commander, or other persons as required.

## 501.4 REPORTING SITUATIONS

### 501.4.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 501.4.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Humboldt County Sheriff's Office resulting in a serious injury or fatality, the Patrol Lieutenant or the Watch Supervisor, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

### 501.4.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or on-duty Watch Supervisor may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Traffic Collision Reporting*

---

#### 501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

#### 501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When there is an identifiable violation of the Vehicle Code
- (c) When a report is requested by any involved driver

#### 501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Supervisor shall notify the on duty Lieutenant or the on-call Duty Officer to relate the circumstances of the traffic collision and seek assistance from the Agency of jurisdiction to investigate the traffic collision..

#### 501.6 TRAFFIC ACCIDENTS INVOLVING SHERIFF'S VEHICLES

All Sheriff's Office employees who operate County vehicles and are involved in traffic accidents where there is damage to property (including the County vehicle they are operating) or another vehicle, or injury to a person, shall immediately report such accident to the Supervisor/Watch Commander. The Supervisor/Watch Commander shall immediately initiate an independent investigation into the circumstances surrounding the accident.

##### 501.6.1 PROCEDURE

A Sheriff's Office employee who is involved in a traffic accident while operating a County vehicle shall immediately notify the Supervisor/Watch Commander. The Supervisor/Watch Commander shall proceed to the scene and initiate an independent investigation into the circumstances surrounding the accident.

If the accident occurs in the area of responsibility of the Garberville, Hoopa or McKinleyville Station, the Supervisor/Watch Commander shall immediately notify the Sergeant or Deputy in charge of the station, and will direct the Sergeant or Deputy in charge of the station to initiate the independent investigation.

If the traffic accident involves injury or property damage involving other than this Sheriff's Office vehicle, the Supervisor/Watch Commander shall notify the law enforcement agency which has jurisdiction for the investigation of accidents at that location. That agency will be requested to make an investigation into the circumstances. At no time will this Office make the only investigation of a traffic accident which involves property damage or personal injury to another.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Traffic Collision Reporting*

---

#### 501.6.2 INVESTIGATION

The accident will be investigated as completely as possible and shall include, at a minimum, the following information:

- (a) All necessary diagrams, sketches and photographs
- (b) Statements from all involved parties and witnesses to the accident
- (c) The Supervisor/Deputy's statement of facts based on his/her investigation at the scene
- (d) The Supervisor/Deputy's opinion and conclusions as to the facts obtained at the scene.

The Sheriff's Office employee involved in the accident will fill out a County Of Humboldt, Vehicle Accident Report form (RM 04 March 1992), and will complete and attach, to the accident report form, a memorandum stating the circumstances of the traffic accident. This memorandum will be completed prior to the end of the employee's shift, unless there are extenuating circumstances preventing completion. The memorandum and form will be routed through the employee's supervisor via the chain of command to the Sheriff.

The Watch Commander/Supervisor shall, as soon as possible, complete his/her report and obtain copies of the investigating agency's reports, and forward them to the operator's Division Commander. The Division Commander will review the investigative report(s) and forward them to the Sheriff via chain of command with his/her comments and recommendations.

## Vehicle Towing and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Humboldt County Sheriff's Office. Nothing in this policy shall require the Office to tow a vehicle.

### 502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

#### 502.2.1 VEHICLE STORAGE REPORT

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 Division as soon as practicable after the vehicle is stored.

#### 502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Emergency Communications Center.

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 the dispatcher to call the official towing garage for the County of Humboldt County Sheriff's Office. The deputy will then store the vehicle using a CHP Form 180.

#### 502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Towing and Release*

---

- 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 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### 502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Office 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.

#### 502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### 502.2.7 RECORDS DIVISION RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Supervisor for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Towing and Release*

---

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Office
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
- (c) The authority and purpose for the removal of the vehicle
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

#### **502.3 TOWING SERVICES**

The County of Humboldt County Sheriff's Office 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 it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

#### **502.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

#### **502.5 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Towing and Release*

---

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**

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).

- (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.

#### **502.7 TOWING FOR EXPIRED REGISTRATION**

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Towing and Release*

---

Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

## Vehicle Impound Hearings

### **503.1 PURPOSE AND SCOPE**

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**

When a vehicle is stored or impounded by any member of the Humboldt 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**

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)).

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Impound Hearings*

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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.



## Impaired Driving

### 504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

### 504.2 POLICY

The Humboldt County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

### 504.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

### 504.4 FIELD TESTS

The Patrol Lieutenant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

### 504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Impaired Driving*

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- (b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 504.5.1 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the deputy shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

#### 504.5.2 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Impaired Driving*

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alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

#### 504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### 504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

#### 504.5.5 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### 504.5.6 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Impaired Driving*

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#### 504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

#### 504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

#### 504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### 504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Impaired Driving*

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- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

#### 504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

### **504.7 ARREST AND INVESTIGATION**

#### 504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

#### 504.7.2 STATUTORY WARNING

A deputy requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Impaired Driving*

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#### **504.7.3 PRELIMINARY ALCOHOL SCREENING**

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

#### **504.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS**

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

#### **504.7.5 DEPUTY RESPONSIBILITIES**

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

#### **504.8 RECORDS DIVISION RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **504.9 ADMINISTRATIVE HEARINGS**

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Impaired Driving*

---

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

#### **504.10 TRAINING**

The Training Sergeant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

#### **504.11 ARREST AND INVESTIGATION**

##### **504.11.1 WARRANTLESS ARREST**

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

##### **504.11.2 DEPUTY RESPONSIBILITIES**

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

## Traffic Citations

### 505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 505.2 RESPONSIBILITIES

The Operations Commanders shall be responsible for the development and design of all Office traffic citations in compliance with state law and the Judicial Council.

The Records Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this office.

### 505.3 DISMISSAL OF TRAFFIC CITATIONS

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 Operations Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Operations Commander may 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 Field Operations Division Commander for review.

### 505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

### 505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a Citation Correction Form to the court via the records bureau.

### 505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this office shall be filed with the Records Division.

Upon separation from employment with this office, all employees issued traffic citation books shall return any unused citations to the Records Division.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Traffic Citations*

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#### **505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

##### **505.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the appropriate operations lieutenant who will review written/documentary data. Requests for administrative reviews may be made at the Main Station and should include an informal written statement explaining why the parking violation should be dismissed.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. The Operations Commander reviews the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

##### **505.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

##### **505.7.3 COSTS**

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Traffic Citations*

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- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### **505.8 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## Disabled Vehicles

### 506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### 506.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

### 506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

## 72-Hour Parking Violations

### 507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Humboldt County Sheriff's Office County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

### 507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the County of Humboldt County Sheriff's Office 72-Hour Parking Ordinance shall be marked and noted on the Humboldt County Sheriff's Office Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

#### 507.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

#### 507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the deputy authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Division immediately following the storage of the vehicle. It shall be the responsibility of the Records Division to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento ( Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to determine the names and addresses of any individuals

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *72-Hour Parking Violations*

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having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

### 600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Major Crimes Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### 600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Investigation and Prosecution*

---

- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Office shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

#### **600.4 INITIAL INVESTIGATION**

##### **600.4.1 DEPUTY RESPONSIBILITIES**

A deputy responsible for an initial investigation shall complete no less than the following:

- (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 request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Supervisor.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Investigation and Prosecution*

---

5. Collect any evidence.
  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.

#### **600.4.2 NON-SWORN MEMBER RESPONSIBILITIES**

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.

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Investigation and Prosecution*

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#### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

##### **600.7.1 ACCESS RESTRICTIONS**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Investigation and Prosecution*

---

#### 600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

#### 600.8 MODIFICATION OF CHARGES FILED

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.

#### 600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Major Crimes Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
  - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
  - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
  - 3. Training requirements necessary for those authorized employees.
  - 4. A description of how the Office will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
  - 5. Process and time period system audits.
  - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
  - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
  - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with office security procedures, the office's usage and privacy procedures and all applicable laws.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Investigation and Prosecution*

---

#### **600.10 USE OF CERTAIN DNA SAMPLES**

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

#### **600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES**

A member should take a report any time a person living within the jurisdiction of the Humboldt County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this office or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside office jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the county to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this office should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for office use and are specific to this type of investigation.

The Major Crimes Division supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Division Policy for additional guidance.

#### **600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS**

##### **600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM**

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Office as lost or stolen, the Major Crimes Division supervisor shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code § 11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Office (Penal Code § 28220).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Investigation and Prosecution*

---

#### 600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Major Crimes Division supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Office who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Division for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Division Policy for additional guidance).

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Humboldt 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.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Sexual Assault Investigations*

---

#### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

#### **601.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Major Crimes Division 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.

#### **601.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
  - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.

#### **601.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Emergency Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Sexual Assault Investigations*

---

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**

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
  - 1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
  - 2. A support person may be excluded from the examination by the deputy or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

#### **601.7.2 VICTIM CONFIDENTIALITY**

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

#### **601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Sexual Assault Investigations*

---

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

#### 601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned deputy determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### 601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Sexual Assault Investigations*

---

information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this office is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
  - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
  - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
  - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

#### 601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property Division supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Sexual Assault Investigations*

---

#### **601.8.4 COLLECTION OF DNA REFERENCE SAMPLES**

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

#### **601.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Major Crimes Division supervisor.

Classification of a sexual assault case as unfounded requires the Major Crimes Division 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**

The Major Crimes Division 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

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Humboldt County Sheriff's Office seizes property for forfeiture or when the Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Asset Forfeiture*

---

- (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**

The Humboldt 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 Humboldt 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 SEIZURE**

Property may be seized for forfeiture as provided in this policy.

##### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
  - 1. The property subject to forfeiture is legally seized incident to an arrest.
  - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Asset Forfeiture*

---

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### **602.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

#### **602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (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 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Asset Forfeiture*

---

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**

The Property Division 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**

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.
- (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:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Asset Forfeiture*

---

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 any 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.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Asset Forfeiture*

---

- (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**

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**

When participating in a joint investigation with a federal agency, the Humboldt County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

#### **602.8 CLAIM INVESTIGATIONS**

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Asset Forfeiture*

---

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.

#### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Humboldt County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Humboldt County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 603.2 POLICY

The Humboldt County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 603.3 USE OF INFORMANTS

#### 603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from their supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of their reliability and credibility.

Any use of an individual as an informant should first be de-conflicted through the Western States Information Network (WSIN) database, and with other specialized units such as the Humboldt County Drug Task Force (HCDTF).

Additionally, if an individual to be used as an informant is seeking consideration in a pending criminal matter, approval for their use shall first be obtained from the District Attorney and/or their designee.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

#### 603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Informants*

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- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Sheriff or the authorized designee

#### **603.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor, before being finalized with the informant.

#### **603.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, members of the Operations Services Bureau Command Staff, or the supervisor of the handling deputy.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Humboldt County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Humboldt County Drug Task Force supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants unless accompanied by at least one additional deputy or supervisor. Deputies shall not be in an open cab vehicle with any informant, for any period of time, unless there is another Deputy present in the cab of the vehicle. If a Deputy is utilizing a patrol vehicle with a caged area to facilitate the meeting with an informant, another Deputy should be present and within view of the interaction for its entirety.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Informants*

---

- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **603.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging them in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using their affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **603.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files for the HCDTF shall be stored securely at that office, with oversight lined out in the policy manual approved by the Executive Board.

Informant files for other units within the HCSO, shall be maintained in a secure area within the HCSO Main Station. The identified designee of the Sheriff shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, their Administration as directed, and/or their authorized designee(s).

The Sheriff's designee should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Sheriff's

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Informants*

---

designee is replaced, the files will be audited before the new designee takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by an administrator who does not have normal access to the informant files.

#### **603.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### **603.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for their service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Informants*

---

In regards to paying an informant, the supervisor of the deputy handling the informant will discuss the above factors with their Division Commander. Together, they will come up with a recommendation as to the type and level of payment, which will then be forwarded to the Sheriff or their designee for approval.

#### 603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a designated buy/expense fund.
  - (a) The Sheriff or their designee shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.
  - 1. The check shall list the case numbers related to and supporting the payment.
  - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  - 4. Authorization signatures from the Sheriff and the County Administrative Officer are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Humboldt County Sheriff's Office case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

#### 603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of their responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Informants*

---

In such cases, the informant shall be provided a letter identifying the amount they must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### 603.6.3 AUDIT OF PAYMENTS

The Sheriff's designee for informant management shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff and their designee for informant management should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.



## Eyewitness Identification

### 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Penal Code § 859.7).

#### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 604.2 POLICY

The Humboldt 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

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

The Major Crimes Division 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Eyewitness Identification*

---

- (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**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

#### **604.6 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Eyewitness Identification*

---

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**

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**

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**

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**

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**

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Eyewitness Identification*

---

used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

## Brady Material Disclosure

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Humboldt County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Humboldt County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Humboldt County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

### 605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this office who is a material witness in a criminal case, the following procedure shall apply:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Brady Material Disclosure*

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- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

#### **605.5 INVESTIGATING BRADY ISSUES**

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

#### **605.6 TRAINING**

Office members should receive periodic training on the requirements of this policy.

# Unmanned Aerial System

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 606.1.1 DEFINITIONS

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

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

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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

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, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office 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. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Unmanned Aerial System*

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- 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.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

#### **606.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Unmanned Aerial System*

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- 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**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

## Warrant Service

### 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

### 607.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to balance the safety needs of the public, the safety of office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Warrant Service

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#### **607.6 WARRANT PREPARATION**

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

#### **607.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Warrant Service

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- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **607.8 DETENTIONS DURING WARRANT SERVICE**

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **607.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

#### **607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Warrant Service*

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the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Humboldt County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Humboldt County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Supervisor should assume this role.

If deputies intend to serve a warrant outside Humboldt County Sheriff's Office jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Humboldt County Sheriff's Office when assisting outside agencies or serving a warrant outside Humboldt County Sheriff's Office jurisdiction.

#### **607.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **607.12 TRAINING**

The Training Sergeant should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

#### **607.13 NO-KNOCK ENTRIES**

No-knock entries are only authorized if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

#### **607.14 DOCUMENTATION**

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

# Operations Planning, De-Confliction, and the Risk Assessment Worksheet

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction, use of the Risk Assessment Worksheet, and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

**Risk Assessment Worksheet** - Mission planning worksheet used to assess risk and determine need for operational changes and/or utilization of additional or alternate resources.

## 608.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

The Humboldt County Sheriff's Office Risk Assessment Worksheet shall be used during the planning stages of any search warrant, arrest warrant, or other planned enforcement action that would be considered high risk, to determine the relative threat level of the operation(s) and whether additional assets like CRU should be consulted or utilized.

## 608.3

## 608.4 HCSO RISK ASSESSMENT WORKSHEET

See attachment: [HCSO Risk Assessment.pdf](#)

### 608.4.1 RISK ASSESSMENT WORKSHEET PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment worksheet.

When preparing the worksheet, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Operations Planning, De-Confliction, and the Risk Assessment Worksheet*

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property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 608.4.2 PROCEDURE

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor.

The supervisor will assess the level of risk, and decide if the operation can be conducted without further resources. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation. If there is no perceived need for additional resources, the mission will proceed at the unit level. If there is a need for additional resources, or the supervisor is looking for additional input, it will be forwarded to the Division Commander for review. If at that level, it is deemed that no further resources are needed, it will be returned for unit service. If it is determined resources like CRU are needed, or there is question about it, the CRU Commander should be contacted for review.

#### 608.4.3 HIGH-RISK OPERATIONS

Any time a high risk operation is presented for approval, the unit supervisor should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. (CRU)

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Operations Planning, De-Confliction, and the Risk Assessment Worksheet*

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2. Additional personnel
  3. Outside agency assistance
  4. Special equipment
  5. Medical personnel
  6. Persons trained in negotiation
  7. Additional surveillance
  8. Canines
  9. Property Division or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate office members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

#### **608.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **608.6 OPERATIONS PLAN**

Unit Supervisors should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Operations Planning, De-Confliction, and the Risk Assessment Worksheet*

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1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
  3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment worksheet by attaching a completed copy in the operational plan.
- (a) The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment worksheet to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Operations Planning, De-Confliction, and the Risk Assessment Worksheet*

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#### 608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

#### 608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that Emergency Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
  - 2. If the radio channel needs to be monitored by Emergency Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### 608.8 CRISIS RESPONSE UNIT (CRU) PARTICIPATION

If, through the Risk Assessment Worksheet, it is determined that CRU participation is appropriate, the supervisor, case agent, CRU Commander, and SWAT Team Leader shall work together to develop and document a plan which will be approved by at least a Bureau Commander or other Executive Manager as available. The CRU Commander shall assume operational control of an operation until all persons at the scene are appropriately detained and it is safe to begin a

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Operations Planning, De-Confliction, and the Risk Assessment Worksheet*

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search. When this occurs, the CRU Commander shall transfer control of the scene to the handling supervisor or administrator. This transfer should be communicated to the deputies present.

**\*\*It should be noted that the Duty Commander has the authorization to activate CRU during an in progress incident\*\***

#### **608.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **608.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CRU debriefing. Debriefings shall sometimes be accompanied by a written after-action report as directed by the Sheriff and/or his designee.

#### **608.11 TRAINING**

The Supervisor for any specialized units should ensure deputies and CRU team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

## Forensic Genetic Genealogy

### 609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

#### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**Combined DNA Index System (CODIS)** - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

**DNA typing laboratory** - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

**Extracted DNA** - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

**Forensic genetic genealogy (FGG)** - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

**Genetic genealogist** - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

**Genetic genealogy site** - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

**Short tandem repeat (STR) DNA profile** - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

**Single nucleotide polymorphism (SNP) DNA profile** - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

### 609.2 POLICY

The Humboldt County Sheriff's Office's use of FGG will be in coordination with prosecutors, the Deputy Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Forensic Genetic Genealogy*

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maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

#### **609.3 CRITERIA FOR FGG USE**

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

- (a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
  - 1. The perpetrator of an unsolved violent felony.
  - 2. Unidentified human remains.
- (b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
- (c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

#### **609.4 COORDINATION**

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Deputy Coroner.

#### **609.5 SUBMISSION OF SAMPLE**

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Office in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Forensic Genetic Genealogy*

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Office.

#### **609.6 ANALYSIS OF FGG DATA**

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

- (a) Eliminate an individual as a potential suspect in the case.
- (b) Link an individual to the case as a potential suspect.
- (c) Identify human remains.

#### **609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE**

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

#### **609.8 POST-IDENTIFICATION**

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Forensic Genetic Genealogy*

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- (a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
- (b) If applicable, consult with the Deputy Coroner for an amendment to a certificate of death.

#### **609.9 PRIVACY CONSIDERATIONS**

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for office records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Office.

#### **609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS**

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Property Technician and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

## **Chapter 7 - Equipment**



## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Department Owned and Personal Property*

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A request to carry personal property while on duty (other than those items required to perform the job that are not supplied by the Sheriff's Office) may be made via the chain of command to the Sheriff by completing the proper form. Those employees having their personal property approved understand that if those item(s) are lost, damaged, destroyed or stolen they will not be entitled to reimbursement pursuant to Section 19A of the Humboldt County Salary Resolution 79-150. It is also understood that any liabilities arising out of the use of such property will be the employee's sole responsibility.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The Humboldt 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- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, 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

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. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

#### 701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

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-

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Communication Devices*

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related business constitutes specific consent for access for office purposes. 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**

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, 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.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

#### **701.5 PERSONALLY OWNED PCD**

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) or as otherwise authorized by office procedures.
  - 1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
  - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
  - 3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any office 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 or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Communication Devices*

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- (f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Humboldt 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.

Except with prior express authorization from their supervisors, 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 their supervisor, the member may engage in office 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 recordkeeping.

#### **701.6 USE OF PCD**

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 requires the express authorization of the Sheriff or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Communication Devices*

---

- (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.
- (h) Members are prohibited from using PCD's in any area where inmates are present unless an emergency situation exists and other means of communication are unavailable.

#### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (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.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. 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**

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**

Members 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 office communications network.

#### **701.10 PUBLIC RECORDS ACT REQUESTS AND PERSONALLY OWNED PCDs**

When the custodian of records for the Department receives a Public Records Act (PRA) request that either (a) explicitly request information stored on a member's PCD or (b) requests information that could be stored on a member's PCD (whether explicitly or implicitly), the custodian of records will notify the involved member(s), provide him or her with a copy of the PRA request, and request that he or she make a search of his or her PCD for responsive records.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Communication Devices*

---

The member shall promptly make a search of his or her PCD and report back to the custodian of records.

If no responsive records exist on the member's PCD, the custodian of records should note this in the file. If responsive records exist, the member shall provide a copy of the responsive documents to the custodian of records (these may include texts, emails, or other writings stored on a PCD).

If the member identifies a potentially responsive record, but does not believe the record should be disclosed, the custodian of records and the member should consult the Office of County Counsel for advice and potential implementation of the affidavit procedure.

For records that are potentially responsive but there is a question as to whether they are agency records or personal materials, the member shall provide the agency with a sufficient factual basis upon which to determine whether the contested record(s) were agency records or personal materials. This information shall be recorded in an affidavit signed by the member as described in *City of San Jose v. Superior Court* (2017) 389 P.3d 848. For records that are responsive, but exempt from disclosure pursuant to an exemption codified in the PRA, the member shall provide the records to the custodian of records who shall retain a copy for the file.

## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### 702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

#### 702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

#### 702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

### 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

#### 702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Maintenance*

---

- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

#### **702.3.2 UNMARKED VEHICLES**

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**

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

#### **702.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Maintenance*

---

#### **702.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Humboldt County Sheriff's Office to provide assigned take-home vehicles.

### 703.2 POLICY

The Humboldt County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments, and other considerations.

### 703.3 USE OF VEHICLES

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Supervisor shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster.

#### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

#### 703.3.3 INSPECTIONS

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 their shifts. 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.

The interior of any vehicle that has been used to transport any person other than a member of this office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Use*

---

All office 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.

#### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.5 MDT

Members assigned to vehicles equipped with a Mobile Data Tablet (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Emergency Communications Center. Use of the MDT is governed by the Mobile Data Tablet Use Policy.

#### 703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Use*

---

#### **703.3.8 AUTHORIZED PASSENGERS**

Members operating office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### **703.3.9 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### **703.3.10 PARKING**

Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### **703.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### **703.3.12 NON-SWORN MEMBER USE**

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

#### **703.4.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Use*

---

#### 703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where office vehicles must be used by members to commute to and from a work assignment. Members may take home office vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the office.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Humboldt County Sheriff's Office County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

#### 703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the County of Humboldt County Sheriff's Office is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Humboldt County Sheriff's Office may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Office members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Sheriff or Division Commanders and there is a high probability that the member will be called back to duty.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Vehicle Use

---

2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
  3. When the member has received permission from the Sheriff or Division Commanders.
  4. When the vehicle is being used by the Sheriff, Division Commanders or members who are in on-call administrative positions.
  5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  2. All weapons shall be secured while the vehicle is unattended.
  3. All office identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate office facility, at the discretion of the Office when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
  2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (i) The member is responsible for the care and maintenance of the vehicle.

#### 703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Humboldt County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Use*

---

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

#### **703.4.5 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) 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 this policy.

#### **703.5 UNMARKED VEHICLES**

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Supervisor on the shift assignment roster.

#### **703.6 DAMAGE, ABUSE AND MISUSE**

When any office 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 the Traffic Collision Reporting Policy).

Damage to any office 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 Watch Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Vehicle Use*

---

#### **703.7 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating office vehicles on a toll road shall adhere to the following:

- (a) Members operating office vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

#### **703.8 ATTIRE AND APPEARANCE**

When operating any office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

## Cash Handling, Security and Management

### **704.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### **704.2 POLICY**

It is the policy of the Humboldt County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### **704.3 PETTY CASH FUNDS**

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### **704.4 PETTY CASH TRANSACTIONS**

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### **704.5 PETTY CASH AUDITS**

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Cash Handling, Security and Management*

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#### **704.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Humboldt County Drug Task Force supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **704.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## Personal Protective Equipment

### 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

#### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

### 705.2 POLICY

The Humboldt County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

### 705.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

### 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

### 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Protective Equipment*

---

The Head Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

#### **705.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

#### **705.7 RESPIRATORY PROTECTION**

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **705.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Protective Equipment*

---

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Protective Equipment*

---

#### 705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

#### 705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

#### 705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### 705.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Protective Equipment*

---

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the office records retention schedule and 8 CCR 5144.

#### **705.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).



# Military Equipment

## 706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Office.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Military Equipment*

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#### **706.2 POLICY**

It is the policy of the Humboldt County Sheriff's Office that members of this office comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **706.3 MILITARY EQUIPMENT COORDINATOR**

The Sheriff should designate a member of this office to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying office equipment that qualifies as military equipment in the current possession of the Office, or the equipment the Office intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Humboldt County Sheriff's Office (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the office's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the office website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Office will respond in a timely manner.

#### **706.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Office:

[Insert attachment here]

#### **706.5 APPROVAL**

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Military Equipment*

---

- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this office.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

#### **706.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

#### **706.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the office website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in office inventory.

#### **706.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Office should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## Restraint Device (BolaWrap 150)

### 707.1 PURPOSE

This policy provides guidelines for the issuance and use of the BolaWrap 150 devices in order to minimize the risk of injury to suspects, subjects, and deputies.

### 707.2 POLICY

The Humboldt County Sheriff's Office authorizes the use of the BolaWrap 150 device in accordance with this policy, the Use of Force Policy and Department training. The BolaWrap 150 device is a handheld remote restraint device intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues that may affect the person's ability to understand and follow instructions. The device discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.

### 707.3 ISSUANCE AND CARRYING BOLAWRAP 150 DEVICES

- (a) Only a Department-approved BolaWrap 150 device that has been issued by the Department shall be utilized by personnel.
- (b) Only members who have successfully completed Department-approved training may be issued and can carry the BolaWrap 150 device.
- (c) All BolaWrap 150 devices shall be clearly distinctly marked to differentiate them from the duty weapon and any other device.
- (d) Uniformed deputies who have been issued the BolaWrap 150 device shall ensure the device is securely attached on their person or safely secured in their patrol vehicle.
- (e) Non-uniformed deputies may secure the device in their assigned or checked out Department vehicle.
- (f) Deputies shall be responsible for ensuring that their issued BolaWrap 150 device is properly maintained and in good working order.
- (g) Deputies should not hold both a firearm and the BolaWrap 150 device at the same time.

### 707.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the BolaWrap 150 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the BolaWrap 150 device may be deployed.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Restraint Device (BolaWrap 150)*

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The fact that a verbal warning or other warning was given or the reasons it was not given, shall be documented by the deputy deploying the BolaWrap 150 device in the related report.

#### **707.5 USE OF THE BOLAWRAP 150 DEVICE**

The BolaWrap 150 device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap 150 device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and should be prepared to employ other options.

##### **707.5.1 APPLICATION OF THE BOLAWRAP 150 DEVICE**

The BolaWrap 150 device may be used in any of the following circumstances, the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person.

- (a) The subject is violent or is physically resisting
- (b) The subject has demonstrated by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.
- (c) The deputy has reasonable suspicion to believe the subject is or may be suffering from a behavioral health crisis, or under the influence of alcohol or drugs, or is/has demonstrated passive non-compliance including an attempt to walk or run away where the officer has reason to stop and or detain the individual.

When deciding whether to use the BolaWrap 150 device, deputies should carefully balance deputy safety concerns with factors that include, but are not limited to:

- (a) The circumstances of the crime leading to the arrest or detention.
- (b) The demeanor and behavior of the arrested or detained person.
- (c) The age and health of the person.
- (d) Whether the person is known to be pregnant or has any apparent physical disability.

The BolaWrap 150 device shall not be used to psychologically torment, elicit statements or to punish any individual.

##### **707.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the BolaWrap 150 device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options would likely be ineffective or would present 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. These individuals include:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Restraint Device (BolaWrap 150)*

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- (c) Obvious juveniles.
- (d) Individuals detained in a law enforcement vehicle.
- (e) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- (f) Individuals near any body of water that may present a drowning risk.
- (g) Individuals who are otherwise in close proximity to any known combustible vapor or flammable material.
- (h) Individuals whose position or activity may result in collateral injury (e.g., running, possible fall from high location, operating vehicles).

#### 707.5.3 TARGET CONSIDERATIONS

Reasonable efforts should be made to target the lower legs and area of the forearms, and to avoid the head, neck, eyes, and groin. If the dynamics of a situation or deputy safety factors do not permit the deputy to limit the application of the BolaWrap 150 device to a precise target area, deputies should monitor the condition of the subject if it strikes the head, neck, eyes, or groin until the subject is examined by paramedics or other medical personnel.

#### 707.5.4 MULTIPLE APPLICATIONS TO BOLAWRAP 150 DEVICE

If the first application of the BolaWrap 150 device appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before attempting an additional application of the device, including:

- (a) Whether the Kevlar cord or pellets/barbs 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 commands, other options, or tactics may be more effective.

#### 707.5.5 ACTIONS FOLLOWING DEPLOYMENT

Following the use of the BolaWrap 150 device:

- (a) When safe to do so, personnel shall use a more secure and permanent restraint device, such as handcuffs.
- (b) Personnel shall request a supervisor to the scene.
- (c) The supervisor or deputy shall determine whether transporting the person to a medical facility is necessary to remove the pellet/bars.
- (d) If the supervisor determines that removal of the Kevlar cord is appropriate at the scene, the supervisor or deputy may remove the Kevlar cord using a department issued BolaWrap 150 cutter or any other appropriate cutting device.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Restraint Device (BolaWrap 150)*

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#### **707.6 REPORTING THE USE OF THE BOLAWRAP 150**

Any deployment of the BolaWrap 150 device by a member of this department shall be documented promptly, completely, accurately, and in accordance with this Department's policies, procedure, or law. The deputies should articulate the factors perceived and why they believed the deployment was reasonable under the circumstances.

##### **707.6.1 DOCUMENTATION**

Deputies shall document all BolaWrap 150 device discharges in the related incident or crime report pursuant to the Use of Force Policy. Notification shall also be made to a supervisor when a BolaWrap 150 had been deployed. Unintentional discharges will be documented in an incident or crime report. Pointing the device at a person and laser activation will be documented on the related incident or crime report. If the BolaWrap 150 device was pointed at a person and there was laser activation, but no deployment, it can be documented in the incident report if no crime report was generated.

##### **707.6.2 REPORTS**

The deputy should include the following in the report:

- (a) Identification of the recipient of the BolaWrap 150 deployment.
- (b) Identification of all personnel deploying/firing BolaWrap 150 devices.
- (c) Identification of any/all witnesses.
- (d) Any injuries that may have been sustained during the deployment of the BolaWrap 150 device.
- (e) Medical care provided to the subject.
- (f) Observations of the subject's physical and physiological actions, which led to the use of the BolaWrap 150 device.
- (g) Whether the subject was known or suspected to have been under the influence or effected by drug use at the time of the incident, been intoxicated at the time of the incident or was effected by other medical problems at the time of the incident.

#### **707.7 MEDICAL TREATMENT**

Any individual who falls under any of the following categories should be examined by paramedics or other qualified medical personnel as soon as is practicable:

- (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 BolaWrap 150 device pellets/barbs are lodged in a sensitive area (e.g., groin, female breast, eyes, head, face, neck).
- (e) The person requests medical treatment.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Restraint Device (BolaWrap 150)*

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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 a recording is made of the contact or an interview with the individual, any refusal should be included in the recording if possible.

#### **707.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to all incidents where the BolaWrap 150 device was activated. A supervisor should review each incident where a person has been exposed to an activation of the BolaWrap 150. Photographs should be taken, including if the skin is penetrated, and witnesses interviewed.

#### **707.9 OFF-DUTY CONSIDERATION**

Deputies are not authorized to carry Department BolaWrap 150 devices while off-duty

#### **707.10 TRAINING**

Personnel who are authorized to carry the BolaWrap 150 device shall be permitted to do so only after successfully completing the initial Department-approved training. Proficiency training for personnel who have been issued a BolaWrap 150 device should occur annually. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for BolaWrap 150 devices will be documented in the deputy's training file.

Deputies who do not carry a BolaWrap 150 device shall receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Sergeant is responsible for ensuring that all members who carry a BolaWrap 150 device have received initial and proficiency training. Periodic audits shall be used for verification.

Application of BolaWrap 150 devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Target area considerations, to include techniques or options to reduce the unintentional application of pellet/barbs near the head, neck, eyes, chest, and groin.
- (d) Handcuffing a subject during the application of the BolaWrap 150 device and transitioning to other force options.
- (e) De-escalation techniques.
- (f) Restraint techniques do not impair respiration following the application of the BolaWrap 150 device.



## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## the Communications Center

### **801.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the basic functions of Emergency Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

### **801.2 POLICY**

It is the policy of the Humboldt 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 Emergency Communications Center and department members in the field.

### **801.3 EMERGENCY COMMUNICATIONS CENTER SECURITY**

The communications function is vital and central to all emergency service operations. The safety and security of Emergency Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Emergency Communications Center.

Access to Emergency Communications Center shall be limited to Emergency Communications Center members, the Watch Supervisor, command staff and department members with a specific business-related purpose.

#### **801.3.1 RADIO FREQUENCY**

This agency has several radio frequencies to initiate communication. The primary frequency should be used for communications between the dispatcher and deputies in the course of normal daily activities and emergency situations. To enhance officer safety, deputies initiating communications with other deputies, using the primary frequency, must request the use of the primary frequency through the dispatcher. The primary frequency will be used during emergency events and routine communication will be relegated to secondary frequencies.

### **801.4 RESPONSIBILITIES**

#### **801.4.1 EMERGENCY COMMUNICATIONS SUPERVISOR**

The Sheriff shall appoint and delegate certain responsibilities to a Emergency Communications Supervisor. The Emergency Communications Supervisor is directly responsible to the Field Operations Division Commander or the authorized designee.

The responsibilities of the Emergency Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Emergency Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *the Communications Center*

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- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Emergency Communications Center information for release.
- (f) Maintaining Emergency Communications Center database systems.
- (g) Maintaining and updating Emergency Communications Center procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

#### 801.4.2 ADDITIONAL PROCEDURES

The Emergency Communications 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., Watch Supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Emergency Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *the Communications Center*

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#### 801.4.3 DISPATCHERS

Dispatchers report to the Emergency Communications 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).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Emergency Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Supervisor or field supervisor of emergency activity, including, but not limited to:
  1. Vehicle pursuits.
  2. Foot pursuits.
  3. Assignment of emergency response.

#### 801.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *the Communications Center*

---

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 Emergency Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **801.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **801.5.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

#### **801.6 RADIO COMMUNICATIONS**

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.
- (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *the Communications Center*

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The Emergency Communications 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 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Humboldt County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **801.6.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **801.7 DOCUMENTATION**

It shall be the responsibility of Emergency Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **801.8 CONFIDENTIALITY**

Information that becomes available through Emergency Communications Center may be confidential or sensitive in nature. All members of Emergency Communications Center shall

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *the Communications Center*

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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**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).



## Property Division

### 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

#### 802.1.1 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property Division, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Office or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Office for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

### 802.2 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged 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.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Office. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

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.

#### 802.2.1 PROPERTY BOOKING PROCEDURE

All evidence shall be processed by the assigned Deputy in a timely manner. If the Deputy is unable to complete the evidence processing prior to the end of his shift, with supervisor approval, the evidence may be stored in approved temporary evidence lockers. The Deputy shall have exclusive control of the temporary evidence locker during this time. At no time shall evidence remain in the temporary evidence locker for more than 48 hours without the approval of the Deputy's immediate supervisor.

Employees booking processed evidence and property shall observe the following guidelines:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

---

- (a) Complete the property portion in RIMS describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) The evidence bag/box should be sealed with tape. The tape should be marked with the date and Deputy's initials. This should all be conducted in a way so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) When the property is too large to be placed in a locker, the Deputy should coordinate with their immediate supervisor and/or the Property Division Supervisor to determine suitable arrangements.

#### 802.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

#### 802.2.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe 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 Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 802.2.4 EXCEPTIONAL HANDLING

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 tags 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 [officer\_deputy] and the supervisor. The [watchCommander] shall be contacted for cash in excess of \$1,000 for special handling procedures.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Property Division

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[CityCounty] property, unless connected to a known criminal case, should be released directly to the appropriate [CityCounty] 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.

#### 802.2.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810). Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure the Legal Office Service Supervisor 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 Section Policy).

#### 802.3 PACKAGING OF PROPERTY

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

##### 802.3.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

---

A property tag shall be securely attached to the outside of all items or group of items packaged together.

#### **802.3.2 PACKAGING NARCOTICS**

Absent extenuating circumstances the deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in an evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged appropriately regarding size/type of bag/container. The booking deputy shall initial the sealed package and the initials/date covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

#### **802.4 RECORDING OF PROPERTY**

The Property Technician 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 on the property control card.

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 control card.

Any changes in the location of property held by the Humboldt County Sheriff's Office shall be noted in the property logbook.

#### **802.5 PROPERTY CONTROL**

Each time the Property Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the Property Technician at least one day prior to the court day.

##### **802.5.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. 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 Technician. This request may be filled out any time after booking of the property or evidence.

##### **802.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Technician releasing the evidence must complete the required information on the property control card and the evidence. 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

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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 Division for filing with the case.

#### 802.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Property Technician shall obtain the signature of the person to whom property is released and the reason for release. Any member 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 on the property control card, indicating date, time, and the person who returned the property.

#### 802.5.4 AUTHORITY TO RELEASE PROPERTY

The Major Crimes Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

#### 802.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release 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 Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Division for filing with the case. If some items of property have not been released, the property card will remain with the Property Division. Upon release, the proper entry shall be documented in the Property Log.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

---

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 Division Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The 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).

#### 802.5.6 DISPUTED CLAIMS TO PROPERTY

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)).

#### 802.5.7 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Technician 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, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

#### 802.5.8 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

---

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.

#### **802.5.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are 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 Humboldt County Sheriff's Office determines the person 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.

#### **802.5.10 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION**

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.

### **802.6 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Technician 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.

#### **802.6.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; 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)

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

---

- 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)

#### 802.6.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Office 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 office 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.

#### 802.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Division 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
- (e) The Major Crimes 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 Division 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



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

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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 Major Crimes 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 Major Crimes 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).

#### **802.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS**

The Property Division supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

- (a) Identification of firearms and other weapons that need to be destroyed
- (b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
- (c) Identification of any law enforcement agency that the Office contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this office and the other agency
  - 1. If the Office contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Property Division supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Humboldt County Sheriff's Office website (Penal Code § 18005).

#### **802.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Property Division*

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- (c) An annual audit of evidence held by the Office shall be conducted by a Division Commander (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

#### **802.8 POLICY**

It is the policy of the Humboldt County Sheriff's Office to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

## Records Division

### 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Humboldt County Sheriff's Office Records Division. The policy addresses office file access and internal requests for case reports.

### 803.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to maintain office records securely, professionally, and efficiently.

### 803.3 RESPONSIBILITIES

#### 803.3.1 RECORDS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Division Commander or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training, and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  - 1. Homicides.
  - 2. Cases involving office members or public officials.
  - 3. Any case where restricted access is prudent.

#### 803.3.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  - 1. Modification of case reports shall only be made when authorized by a supervisor.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Records Division

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- (c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
  - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  - 2. Suspected hate crimes (Penal Code § 13023).
  - 3. Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
  - 4. Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
  - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
  - 6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
  - (a) Deputy suicides
  - (b) Deputy misconduct
  - (c) Uses of force
  - (d) Deputy deaths or assaults
  - (e) Crime incidents
  - (f) Deaths in custody
- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Office and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Records Division

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- (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
- (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the office's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- (l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

#### 803.3.3 RECORDS DIVISION PROCEDURE MANUAL

The Records Manager should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

#### 803.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the Humboldt County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Office to destroy the related arrest records. Petitions should be forwarded to the Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Major Crimes Division Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Major Crimes Division Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Office's decision within 45 days of receipt. Responses should include only the decision of the Office, not an explanation of the analysis leading to the decision.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Division*

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#### **803.5 FILE ACCESS AND SECURITY**

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Watch Supervisor.

The Records Division will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

#### **803.6 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

#### **803.7 CONFIDENTIALITY**

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

#### **803.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.
- (c) The California DOJ is notified.

## Restoration of Firearm Serial Numbers

### 804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

### 804.2 PROCEDURE

Any firearm coming into the possession of the Humboldt 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:

#### 804.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Restoration of Firearm Serial Numbers*

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#### **804.2.3 DEPUTY RESPONSIBILITY**

The Property Technician 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.

#### **804.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **804.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Technician 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.

#### **804.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.



## Records Maintenance and Release

### 805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

### 805.2 POLICY

The Humboldt County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

#### 805.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Sheriff or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administration Division Commander for a determination as to whether the records will be released.

### 805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
  - 1. Identifying the minimum length of time the Office must keep records.
  - 2. Identifying the office division responsible for the original record.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

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- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the office's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Office's website (Government Code § 7922.710; Government Code § 7922.720).

#### 805.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).
- (b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
  - 1. Analysis and conclusions of investigating deputies may also be exempt from disclosure.
  - 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

- (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).

#### 805.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

#### 805.3.3 TRAFFIC COLLISION REPORTS

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.

#### 805.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c)); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff or as required by law.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

#### 805.3.5 CONCEALED WEAPONS PERMITS

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

#### 805.3.6 DOMESTIC VIOLENCE REPORTS

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

### **805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

#### 805.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Office is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
  - 2. If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

- (d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

#### **805.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  - 2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
  2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 7923.605).
1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the County Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- (n) Records relating to the security of the office's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

#### **805.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a 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.

#### **805.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

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#### 805.7.1 FORM OF NOTICE

- (a) The notice shall be written in plain language and include, to the extent possible, the following:
  - 1. The date of the notice.
  - 2. Name and contact information for the Humboldt 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's license or California identification card number.
- (b) The notice may also include information about what the Humboldt 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.
- (c) When a breach involves an online account, and only a user name 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:
  - 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 Department in addition to any other online accounts for which the person uses the same user name or email address and password or security question and answer.

#### 805.7.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods:
  - 1. Written notice.
  - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
  - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

sufficient contact information. Substitute notice shall consist of all of the following:

- (a) Email notice, when the Department has an email address for the subject person.
  - (b) Conspicuous posting of the notice on the Department's webpage.
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 Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

#### **805.8 SEALED RECORD ORDERS**

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records 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.

##### **805.8.1 SEALING JUVENILE RECORDS**

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related records pursuant to Welfare and Institutions Code § 786.5, the Records 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).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Manager or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Manager or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

#### **805.9 SECURITY BREACHES**

The Records 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

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Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
  - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
  - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
  - 3. Medical information
  - 4. Health insurance information
  - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
  - 6. Unique biometric data
  - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

#### 805.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
  - 1. The date of the notice.
  - 2. Name and contact information for the Humboldt 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

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- (b) The notice may also include information about what the Humboldt 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 Humboldt 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.

#### 805.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
  - 1. Written notice.
  - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
  - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:
    - (a) Email notice when the Office has an email address for the subject person.
    - (b) Conspicuous posting of the notice on the office's webpage for a minimum of 30 days.
  - 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

#### **805.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Division 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.

#### 805.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Office knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Office demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

#### 805.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

#### 805.10.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Records Maintenance and Release*

---

to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

#### 805.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

## Protected Information

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Humboldt 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.

#### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Humboldt 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.

### 806.2 POLICY

Members of the Humboldt 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.

### 806.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (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. See the Humboldt County Sheriff's Office CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Protected Information*

---

#### **806.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Humboldt 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. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

##### **806.4.1 MEDIA STORAGE AND ACCESS**

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Humboldt County Sheriff's Office and County IT Department personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Sanitization Destruction Policy)
5. Not use personally owned information system to access, process, store, or transmit CJI.
6. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
7. Store all hardcopy CJI printouts maintained by the Humboldt County Sheriff's Office and County IT Department in a secure area accessible to only those employees whose job function require them to handle such documents.
8. Safeguard all CJI by the Humboldt County Sheriff's Office against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
9. Take appropriate action when in possession of CJI while not in a secure area:
  - (a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Protected Information*

---

- (b) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
  - i. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
  - ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
- 10. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
- 11. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

#### 806.4.2 TRANSPORTATION OF INFORMATION

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- (a) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- (b) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Humboldt County Sheriff's Office and County IT Department personnel shall:

- (a) Protect and control electronic and physical media during transport outside of controlled areas.
- (b) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Humboldt County Sheriff's Office and County IT Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- (a) Use of privacy statements in electronic and paper documents.
- (b) Limiting the collection, disclosure, sharing and use of CJI.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Protected Information*

---

- (c) Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- (d) Securing hand carried confidential electronic and paper documents by:
  - (a) Storing CJI in a locked briefcase or lockbox.
  - (b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
  - (c) For hard copy printouts or CJI documents:
    - i. Package hard copy printouts in such a way as to not have any CJI information viewable.
    - ii. That are mailed or shipped, agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
- (e) Not taking CJI home or when traveling unless authorized by the Records Supervisor. When disposing confidential documents, use a shredder.

#### 806.4.3 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Sanitization Destruction Policy".

#### 806.4.4 BREACH NOTIFICATION AND INCIDENT REPORTING

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

#### 806.4.5 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Protected Information*

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#### **806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records 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 Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

##### **806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

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).

##### **806.5.2 IMPROPERLY DISCLOSED, LOST, OR NOT RECEIVED CRIMINAL JUSTICE INFORMATION PROCEDURES**

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

1. Personnel shall notify his/her supervisor or Agency CLETS Coordinator, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
2. The supervisor will communicate the situation to the Records Supervisor to notify of the loss or disclosure of CJI records.
3. The Records Supervisor will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
4. The CSA ISO will:
  - (a) Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
  - (b) Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Protected Information*

---

- (c) Act as a single POC for their jurisdictional area for requesting incident response assistance.

#### 806.5.3 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other office members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or office-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **806.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

#### 806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Protected Information*

---

#### **806.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

#### **806.8 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

## Computers and Digital Evidence

### 807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  - 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
  - 1. Where the computer was located and whether or not it was in operation.
  - 2. Who was using it at the time.
  - 3. Who claimed ownership.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Computers and Digital Evidence*

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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**

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**

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**

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 Division to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Computers and Digital Evidence*

---

- (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**

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**

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**

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.

##### **807.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property Division as soon as possible for submission into evidence.
- (b) Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Computers and Digital Evidence*

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camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

#### 807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

#### 807.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.



## Animal Control

### 808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 808.2 ANIMAL CONTROL RESPONSIBILITIES

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.

### 808.3 MEMBER RESPONSIBILITIES

Members 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 members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members 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 member should find appropriate placement for the animal.
  - 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Animal Control*

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#### **808.4 INJURED ANIMALS**

When a member 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.

##### **808.4.1 VETERINARY CARE**

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.

##### **808.4.2 INJURED WILDLIFE**

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

##### **808.4.3 RESCUE OF ANIMALS IN VEHICLES**

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members 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.

#### **808.5 ANIMAL CRUELTY COMPLAINTS**

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)

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Animal Control*

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- (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**

Members 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. Members should attempt to identify and notify the owner of the final disposition of the animal.

#### **808.7 PROCEDURE FOR ANIMAL BITE CALLS ( REFERENCE TITLE 17, 2606, C.C.R.)**

- (a) If an animal bite is reported when the Animal Control personnel are off duty or unavailable to respond, the investigation will be assigned to a deputy.
- (b) The deputy will fill out an animal bite investigation form, both top and bottom sections (refer to attachment "A").
- (c) After contacting the person bitten, the officer will attempt to find the animal responsible for the bite and identify the owner. The dog or cat involved in the bite must be quarantined for a period of ten days, fourteen days for other animals, regardless of proof of current vaccination.
- (d) Once a bite report has been processed and the Animal Control Officer has confirmed a bite/scratch did occur; the officer will have the animal placed in quarantine. Biting animals placed in quarantine shall be isolated in strict confinement for at least 14 days (dogs and cats 10 days) after the day of infliction of the bite. Exception: Dogs and cats which have been isolated in strict confinement under proper care and observation of a licensed veterinarian, may be released from isolation after five days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease.
- (e) Biting animals must be quarantined in a secure area where the animal cannot come into contact with the public or other animals. The animal may be quarantined at the shelter, at home, or in some other suitable facility. This decision is to be made by the officer in the field.
- (f) Quarantine areas MUST be enclosed areas where the animal can be kept and the animal is not to be removed for any reason during the quarantine period. Animals are not to be quarantined on a chain in an unenclosed lot, for example, where they are available to the public. An apartment, condominium, motel or mobile home is also unacceptable unless there is an enclosure or patio area to confine the animal and allow for excretion. It is acceptable for the owner to find adequate facilities for the quarantine. The deputy or animal control officer must approve the place of quarantine. The officer must evaluate the circumstance of the bite, prior bite history, prior complaint history, sincerity and attitude of the animal owner, the type of enclosure, and any other facts available before making a decision.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Animal Control*

---

- (g) The owner must sign the bottom of the Animal Bite Investigation form saying they will comply with the ten day quarantine regulations. The owner must be made aware that if the animal is seen loose during the quarantine period that they are subject to a citation and their animal could be taken and quarantined at the animal shelter for the remainder of the quarantine period and that they will be responsible for the impound fees.
- (h) If the determination is made that the owner is unable to properly quarantine the animal, the on duty watch commander should be notified, and an animal control officer should be called out to take custody of and transport the animal to the animal shelter.
- (i) When an animal is placed in quarantine, the owner, veterinarian or kennel operator is to be instructed that if the animal dies, becomes sick or lost, it is to be reported to animal control immediately.
- (j) Inform the pet owner that only an animal control officer may release the animal from quarantine. This means that quarantine continues until an officer is able to observe the animal or a veterinarian examines it.

#### 808.7.1 REQUIREMENTS FOR QUARANTINE

- (a) Home Quarantine:
  - 1. Backyard - (Dog only) the yard must be adequately fenced and must have a gate which can be locked. The fence must be of a type and quality that the public may not touch the dog.
  - 2. Garage - (Dog or cat) all doors must be locked, and, in the case of a small dog or cat, all holes or vents must be securely covered.
  - 3. House - (Dog or cat) Animal to have contact only with immediate family. The animal must be confined to a garage, closed room, closed yard or patio when visitors are present.
  - 4. Apartment or Condominium - (Dog or cat) If the apartment or condominium has a private, enclosed patio area the officer may agree to a home quarantine. The animal is to have contact only with the immediate family. When visitors are present the animal is to be confined to a closed room, garage or to the patio area.
- (b) Veterinary Hospital - The owner may choose to quarantine the animal at his or her own veterinarian's facility. The owner may transport the animal and the officer must be advised of the veterinary facility chosen, as well as the date and time the animal will be transported. THE OFFICER IS NOT TO RECOMMEND ANY PARTICULAR VETERINARIAN. When quarantine is to be at a veterinary facility the quarantine time is five (5) days. Quarantine should not extend beyond five (5) days from the date of bite.
- (c) Private Kennel/Cattery - An owner may choose to quarantine his/her animal at an approved private kennel or cattery of his/her choice. The owner will be required to transport the animal and the officer must be advised of the facility chosen as well as the date and time the animal will be transported.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Animal Control*

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#### 808.7.2 RELEASE FROM QUARANTINE

- (a) No Illness - After ten days an Animal Control Officer assigned to follow up the bite must contact the owner and animal to ensure the animal is not showing any signs of illness and that the owner complied with the quarantine. The victim will be contacted and advised of the outcome of the investigation. The Animal Control Officer will write a supplemental report documenting the new information.
- (b) Rabies Confirmed or Suspected
  - 1. If the animal shows signs of illness, or has disappeared; notify the on duty Watch Commander immediately. This is considered to be an emergency situation. The victim is to be notified as quickly as possible.
  - 2. The victim is to be advised of the situation and referred to his/her physician for treatment. The victim should also be given the telephone number of the County Health Department for answers to any questions.

#### **808.8 POLICY**

It is the policy of the Humboldt 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.

#### **808.10 STRAY DOGS**

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 Sheriff's Office Animal Shelter. Impound procedures shall be followed as outlined in shelter policy.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### **808.11 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

#### **808.12 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

#### **808.13 DESTRUCTION OF ANIMALS**

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.

# Jeanne Clery Campus Safety Act

## 809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act) as well as applicable California Education Code requirements.

## 809.2 POLICY

The Humboldt County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Humboldt County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Humboldt County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Humboldt County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

## 809.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Sheriff shall:

- (a) Ensure that the Humboldt County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
    - (a) This includes identification of the responsibilities for sexual assault, hate crimes, and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery, or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
  3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Jeanne Clery Campus Safety Act*

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confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the Humboldt County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
  5. Notify the Humboldt County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
  - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
  - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
  - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).
  - (g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

#### 809.3.1 ADDITIONAL REQUIREMENTS

The Sheriff or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:
  1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
  2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Jeanne Clery Campus Safety Act*

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Humboldt County Sheriff's Office or the institution (Education Code § 67380).
  - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the Humboldt County Sheriff's Office is necessary to contact or detain the assailant (Education Code § 67380).
  - 2. If the institution discloses the identity of the alleged assailant to the Humboldt County Sheriff's Office, the institution must immediately inform the victim of that disclosure (Education Code § 67380).
- (e) Ensure the victim receives the following information:
  - 1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing
  - 2. How to access transportation to an examination site, including transportation options provided or arranged by the campus

#### **809.4 RECORDS COLLECTION AND RETENTION**

The Records Manager is responsible for maintaining Humboldt County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
  - 1. Murder
  - 2. Sex offenses, forcible or non-forcible
  - 3. Robbery



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Jeanne Clery Campus Safety Act*

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4. Aggravated assault
  5. Burglary
  6. Motor vehicle theft
  7. Manslaughter
  8. Arson
  9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
  10. Dating violence, domestic violence, and stalking
  11. Hazing
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage, or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):
    - (a) On campus.
    - (b) In or on a non-campus building or property.
    - (c) On public property.
    - (d) In dormitories or other on-campus residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the Humboldt County Sheriff's Office (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Jeanne Clery Campus Safety Act*

---

- (g) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

#### 809.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Humboldt County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Office.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

#### 809.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the Humboldt County Sheriff's Office and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the Humboldt County Sheriff's Office for which a written report is prepared.

#### 809.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Jeanne Clery Campus Safety Act*

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- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:
  - 1. Crime statistics and the policies for preparing the crime statistics.
  - 2. Crime and emergency reporting procedures, including the responses to such reports.
  - 3. Policies concerning security of and access to campus facilities.
  - 4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:
    - (a) Procedures victims should follow.
    - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
  - 5. Policies and incident prevention and awareness programs concerning hazing, including:
    - (a) Procedures for reporting incidents.
    - (b) Procedures for investigating incidents.
    - (c) Information on applicable local, state, and tribal laws on hazing.
    - (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
  - 6. Enforcement policies related to alcohol and illegal drugs.
  - 7. Locations where the campus community can obtain information about registered sex offenders.
  - 8. Emergency response and evacuation procedures.
  - 9. Missing student notification procedures.
  - 10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.
- (d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

# DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR

## 810.1

### REFERENCE:

Gov Code Sections 27440 et seq, Health and Safety Code Sections 7100 et seq, Probate Code Sections 7600 et seq.

### POLICY:

The Sheriff-Coroner Public Administrator's Office is responsible for the administration and management of decedent's estates.

### DEFINITIONS:

**Executor** – An executor is the person named in a decedent's Will to handle the administration of the estate. The executor must be at least 18 years of age, and a decedent may name more than one person to act as co-executors. If appointed, the executor receives Letters Testamentary from the court.

**Administrator** – When a decedent leaves no Will, the court appoints someone to handle the administration of the estate. This person is called an Administrator. The administrator's duties and responsibilities are virtually identical to those of an executor. If appointed, the administrator receives Letters of Administration, as General Administrator from the court.

**Administrator With Will Annexed** – This appointment is granted from court when a testator's Will does not name an executor or when the executor named is incompetent to act, is deceased, or refuses to act. If appointed, the administrator receives Letters of Administration as General Administrator.

**Special Administrator** – An administrator whose authority to administer the decedent's effects is typically limited by time or to those matters specified by the court, as opposed to administering the whole estate. The appointment is usually made to preserve the estate pending appointment of an executor or general administrator, where, for example, there may be a Will contest, or where assets of the estate are subject to immediate loss. If appointed, the administrator receives Letters of Special Administration.

**Successor Administrator** – An administrator appointed after the original executor or administrator is removed by the probate court, because of either incapacity, death or malfeasance. If appointed, the administrator receives Letters of Successor Administration (perhaps with Will annexed, if a Will exists).

### FUNCTION:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

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The Public Administrator protects and administers the estates of people who pass away without a Will, known as "intestate", or when no one with a higher priority to act is willing or able to act as administrator. The Public Administrator serves in a fiduciary capacity and must diligently safeguard the decedent's property from waste, loss, theft, or misappropriation. The authorities and responsibilities of the Public Administrator are set forth primarily in the California Probate Code with certain functions identified in various California Code statutes.

All fees received for services provided by the Public Administrator are paid to the County of Humboldt. The Public Administrator will maintain an office staff experienced in the investigation and administration of estates of deceased persons. Most actions in estate matters are subject to the supervision of the Superior Court, and all records are subject to periodic audits by State and County authorities.

In accordance with California Probate Code Section 7601, the Public Administrator must take immediate charge of the property of all persons who have died within Humboldt County when no executor or administrator has been identified, and in consequence thereof, the property or any part thereof, is being wasted, uncared for, or lost; and of all estates ordered into his hands by the court. Public Administrators office is not liable for property not in their possession, or if beyond their ability to possess or control as per Probate Code section 7601(b).

Estates of decedents who have no Will, no known heirs or heirs unwilling or unable to act, and/or where no executor named in a Will is willing to act or able to qualify, the Public Administrator may take possession or control of an estate in a manner provided by the Probate Code.

Pursuant to Probate Code Section 7603 and 7660, the Public Administrator may assert the authority to act on behalf of the estate as the personal representative by issuing a written certification of Authority for Summary Administration if the total value of the decedent's estate is fifty thousand dollars (\$50,000) or less. The certification is valid for 30 days after the date of issuance. In estates valued at \$50,001 to \$150,000 the Public Administrator will file an Ex Parte Petition with the court to administer the estate summarily under Probate Code 7660(a)(1), and do so once said order is received by the court. Estates valued over \$150,000, the Public Administrator will petition for full probate of the estate.

Upon appointment by the court as administrator of an estate, the duties of the Public Administrator are similar to those of other administrators. Principal duties are to collect, manage and account for the estate property; to pay funeral and last illness expenses, taxes and all other debts as far as the estate is able; and to sell property, both real and personal, with or without court supervision where appropriate.

#### **810.2 BURIAL ARRANGEMENTS AND INDIGENT CREMATION PROGRAM**

##### **REFERENCE:**

Probate Code Sections 7600-7666, 11420(3), Health and Safety Code Section 7100

##### **POLICY:**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

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The Sheriff-Coroner Public Administrator's Office will perform the duty of interment, or burial disposition as required by Section 7100 of the Health and Safety Code. If the Office is required to make the burial disposition, the arrangements shall be based on established measures of reasonable costs and the specific circumstances of individual cases.

#### **DEFINITIONS:**

**Direct Cremation** – An immediate cremation disposition without service or viewing.

**Direct Burial** – An immediate burial disposition without service or viewing.

**Indigent Cremation** – The general term used for indigent cremation dispositions authorized and paid for by the Sheriff-Coroner Public Administrator's Office.

**Contract Mortuary** – The mortuary under contract with the Office to provide indigent cremation/burial services.

#### **PROCEDURES:**

##### **Burial Arrangements**

Whenever possible, a decedent's next of kin should arrange and pay for the decedent's appropriate funeral disposition. If the Deputy Public Administrator has to determine or approve the amount spent on burial arrangements (i.e., the estate will be responsible for payment or reimbursement of the funeral expense), the following factors regarding the appropriate disposition should be considered by the assigned deputy:

- The decedent's own wishes.
- The gross value of the decedent's estate.
- The apparent solvency/insolvency of the estate.
- The court rules concerning the expenditure of burial funds (if any).
- The decedent's station in life.
- The funds available to pay.
- The wishes of heirs or legatees.
- Previous arrangements by the decedent; for example, burial arrangements for a predeceased spouse.
- The approval of the probate court.

Grave markers will be purchased when appropriate in given case situations. Absent input by relatives or beneficiaries, the Deputy Public Administrator will make the decision based on funds available, total amount already obligated, and the actual cost of the marker. As a rule, the deputy should order a minimum price item. If estate solvency is questionable, the marker decision should be deferred until the estate is ready to close.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR

---

Upon arriving at an agreeable cost, the Deputy Public Administrator should note in file, the name of the mortuary/cemetery handling the funeral and the exact price agreed upon. Any variance of this amount on the mortuary's bill will subject that portion of the obligation to disapproval.

Upon receipt of the funeral bill, the deputy should ensure that it is accurate. If it is not accurate, it is the deputy's responsibility to reconcile the difference with the mortuary. When the amount is correct, the Deputy Public Administrator should allow the bill.

Payment of the cost of the funeral is usually given priority over other obligations and may be paid as soon as the funds are available.

#### **Referrals from families for indigent cremation assistance**

The Public Administrator's Office contract mortuary should assist families with the application process and forward the documentation to the Office. Families can also complete this application directly through the Sheriff-Coroner's Office.

The Deputy Public Administrator will review the application and supporting documents. If the application is incomplete, he/she will interview family members and verify information. The Deputy Public Administrator will note their findings and forward the information to the Public Administrator Sergeant with a recommendation for approval or denial of the application. The Public Administrator Sergeant will determine approval or denial and notify the contract mortuary.

Cremation is the preferred manner used by the Sheriff-Coroner Public Administrator's Office for disposition of human remains. It is appropriate to be consistent in employing this accepted method of disposition. The cremains will then be interred or scattered in accordance with State Laws and the Sheriff-Coroner's policies and procedures.

#### **Estates administered by the Public Administrator meeting criteria for indigent cremation**

If an estate under the jurisdiction of the Public Administrator's Office is unable to pay for the cost of burial (mortuary and cemetery charges), the Deputy Public Administrator will arrange for cremation with the Office's contract mortuary.

#### **Unidentified Decedents**

When the decedent's identity cannot be determined, the decedent will be held for thirty days by the Sheriff-Coroner's Office. If after that time, the decedent remains unidentified, the Public Administrator's Office will proceed with cremation through the contract mortuary. If the decedent is not identified after one year from the date of death, the remains will be interred at the cemetery.

#### **Cremated Remains Abandoned at Mortuaries**

When families have failed to retrieve cremated remains from mortuaries, the Office will accept a referral from the mortuary and investigate the matter prior to taking possession of the cremated remains.

The Deputy Public Administrator will obtain the following information from the mortuary:

- Identification of the remains

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

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- Name, relationship, and address of any next of kin.
- Any information the mortuary has pertaining to the identification and location of family.
- A copy of the mortuary contract and burial permit.

The Deputy Public Administrator will search for family. If family is located and willing to accept the cremated remains, they will be directed to the mortuary. If the Deputy Public Administrator is unable to locate family, or the family is uncooperative, the Office will accept the cremated remains from the mortuary. The Deputy Public Administrator will determine the decedent's veteran status.

The Deputy Public Administrator will document his/her findings, close the investigation, and submit the file to the Public Administrator Sergeant for approval of final disposition. The cremains will then be interred or scattered in accordance with State Laws and the Sheriff-Coroner's policies and procedures.

#### **Cremated Remains Abandoned at Various Locations (Excluding Mortuaries)**

The Sheriff-Coroner's Office will immediately accept abandoned cremated remains from anyone possessing them, and a case will be opened by the Deputy Public Administrator.

If the identity of the cremated remains is known, the Deputy Public Administrator will search for family. If family is located the cremated remains will be released to them. If family is unwilling to accept the cremated remains or, if family is not located, the Deputy Public Administrator will determine the decedent's veteran status.

The Deputy Public Administrator will document their findings, close the investigation, and submit the file to the Public Administrator Sergeant for approval of final disposition. The cremains will then be interred or scattered in accordance with State Laws and the Sheriff-Coroner's policies and procedures.

#### **810.3 PUBLIC ADMINISTRATOR REFERRALS**

##### **REFERENCE:**

Probate Code Sections 48, 7600, 7600.5 and 7601

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will thoroughly review all estate referrals and will take necessary steps to safeguard the assets of estates falling under its jurisdiction.

##### **DEFINITIONS:**

**Estate Referral** – A written or telephonic reporting of the death of a person in Humboldt County, without known next of kin, or when a decedent's real or personal property may be subject to loss, injury, waste, or misappropriation, immediate notice must be given to the Public Administrator. (Probate Code Section 7600, 7600.5)

**Interested Person** – (1) An heir, devisee, child, spouse, creditor, beneficiary, and any other person having a property right in, or claim against, a trust estate or the estate of a decedent, which



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

may be affected by the proceeding. (2) Any person having priority for appointment as personal representative. (3) A fiduciary representing an interested person. (b) The meaning of "interested person" as it relates to particular persons may vary from time to time and shall be determined according to the particular purposes of, and matter involved in, any proceeding. (Probate Code Section 48)

#### **PROCEDURE:**

All estate case referrals received by the Public Administrator's Office, or any questions concerning the validity of an incoming referral will be forwarded to the Public Administrator Sergeant. Criteria used to determine appropriateness include:

- Decedent was a resident of Humboldt County.
- The responsible party, i.e., the next of kin, named executor of a Will, or the individual with nomination priority, is either unavailable or unwilling to act.
- There appears to be an estate, i.e., identifiable and collectable assets vested in the decedent's name.
- Case is being referred by a public officer under provisions of Section 7600 of the Probate Code; or a hospital or facility under provisions of Section 7600.5.
- Referring party has a valid interest in the decedent's estate, as an "interested person," and is authorized to invoke action by the Public Administrator's Office.
- Referring party may be a concerned citizen with information involving possible misappropriation, loss, waste or theft of decedent's estate property.

#### **Sources of referrals:**

- Coroner's Office
- Private attorneys
- Families
- Mortuaries
- Nursing homes/ Hospitals
- City, County or State Government offices
- Public Guardian/ Probate Court
- Concerned citizen

Upon intake of an estate referral, the Deputy Public Administrator assigned will promptly begin an initial investigation.

The initial investigation will include a thorough search for next of kin and potential estate assets. The investigation will be used to determine:

- If the decedent's assets are subject to potential harm as defined in Sections 7600 – 7601 of the Probate Code (loss, injury, waste or misappropriation).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

- If the estate could benefit from the Public Administrator's involvement.
- If a person with priority to act wishes to nominate this office to manage the estate.

After making a determination, the Deputy Public Administrator will forward the case, along with a recommendation for action, to the Public Administrator Sergeant for review and concurrence.

#### **810.4 PERSONS HAVING PRIORITY TO ACT**

##### **REFERENCE:**

Probate Code Sections 37, 50, 8461

##### **POLICY:**

When a person dies and no Will exists, certain persons are entitled to appointment as administrator of the estate.

##### **DEFINITIONS:**

**Domestic partners** – One of two persons who have filed a Declaration of Domestic Partnership with the Secretary of State pursuant to Division 2.5 (commencing with § 297) of the Family Code, provided that the domestic partnership has not been terminated pursuant to § 299 of the Family Code.

**Issue** – All lineal descendants of all generations, with the relationship of parent and child at each generation being determined by the definitions of child and parent.

**Lineal descendant** – a direct blood relative.

##### **PROCEDURE:**

Pursuant to Probate Code § 8461, if no Will exists (intestate), a person in the following relation to the decedent is entitled to appointment as administrator in the following order of priority:

- Surviving spouse or domestic partner as defined in Section 37
- Children
- Grandchildren
- Other issue
- Parents
- Brothers and sisters
- Issue of brothers and sisters
- Grandparents
- Issue of grandparents
- Children of a predeceased spouse or domestic partner
- Other issue of a predeceased spouse or domestic partner

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

- Other next of kin
- Parents of a predeceased spouse or domestic partner
- Issue of parents of a predeceased spouse or domestic partner
- Conservator or guardian of the estate acting in that capacity at the time of death who has filed a first account and is not acting as conservator or guardian for any other person.
- Public Administrator
- Creditors
- Any other person

#### **Exceptions to Priority**

The surviving spouse or domestic partner, a relative, or a relative of the predeceased spouse or domestic partner of the decedent has priority only if the person takes part of the estate. (Probate Code § 8462)

- If the surviving spouse or domestic partner is a party to an action for separate maintenance, annulment or dissolution and was living apart from the decedent at the date of death, he or she has priority after brothers and sisters. (Probate Code § 8463)

The spouse, a party to the dissolution on the date of death. An action that was previously filed, but dismissed prior to death, does not disqualify the spouse.

Neither a minor nor a person subject to a conservatorship of the estate may serve as personal representative. (Probate Code § 8402(a))

- The court has discretion to appoint the guardian of the minor (if there is one) or the conservator. (Probate Code § 8464) – Said nomination shall be made in writing and filed with the court.

A person who would otherwise be entitled to appointment, but is ineligible for appointment under paragraph (4) of subdivision (a) of Section 8402 because he or she is not a resident of the United States may nominate a person of lower priority to act in the class of the person making the nomination. However, the nominee must be a resident of the State of California. (Probate Code §8465 (d)).

#### **810.5 HEIRSHIP**

##### **REFERENCE:**

Probate Code Section 240 et. Seq; 6400 et. Seq.

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will endeavor to identify and locate those entitled to inherit in intestate estates and will require such individuals to prove their identity prior to receiving any distribution.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

#### **DEFINITIONS:**

**Heir** – Any person, including the surviving spouse, who is entitled to take property of the decedent by intestate succession pursuant to the Probate Code.

**Intestate succession** – The method used to distribute property owned by a person who dies without a valid Will or where a Will states distribution shall be according to the Probate Code.

#### **PROCEDURE:**

In Estates distributed according to intestate succession, the Deputy Public Administrator is responsible to ensure all those in nearest degree of kinship to the decedent are identified and located, including deceased members of that generation. In the event there is deceased member(s) of the nearest generation, the Deputy Public Administrator must identify and locate issue, if any, of that deceased heir.

In Estates where the next of kin are all of the same degree of kinship to the decedent, they will take equally; if they are of unequal degree, those of more remote degree take in the manner provided in Probate Code Section 240.

In Estates with real property distributed according to intestate succession, if the decedent had a predeceased spouse who died not more than 15 years before the decedent and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the decedent's predeceased spouse shall pass pursuant to Probate Code Section 6402.5.

In Estates with personal property distributed according to intestate succession, if the decedent had a predeceased spouse who died not more than five (5) years before the decedent and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the decedent's predeceased spouse shall pass pursuant to Probate Code Section 6402.5.

The Deputy Public Administrator shall require reasonable proof of the status and identity of the person(s) to whom property may be distributed. The Deputy Public Administrator may rely on any document described in Section 13104(d) as proof of identity prior to authorizing any distribution.

#### **810.6 MANAGEMENT AND CONTROL OF ESTATES**

##### **REFERENCE:**

Probate Code Section 9600

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will ensure all estates handled are managed with ordinary care, due diligence, and good faith protection to fulfill the administrative and fiduciary duties.

##### **Probate Code Section 9600 states in part:**

The personal representative has the management and control of the estate and, in managing and controlling the estate, shall use ordinary care and diligence. What constitutes ordinary care and diligence is determined by all the circumstances of the particular estate.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

#### **PROCEDURE:**

The Deputy Public Administrator, acting as personal representative, will regularly review his/her assigned cases. After completion of the review, notes will be entered in the case management system or file indicating that the review has taken place, along with a brief explanation of the status of the case.

In checking the status of each estate, the Deputy Public Administrator should review the case events, the estate inventory, the creditor's claims, and, if solvent, the heirship status.

The Deputy Public Administrator should immediately address any problems or deficiencies discovered during the deputy's case review with the Public Administrator Sergeant.

#### **810.7 RULES OF CONDUCT- PURCHASE OF ESTATE PROPERTY, GIFTS, AND PERSONAL USE OF ESTATE PROPERTY**

##### **REFERENCE:**

Government Code Section 27443.

##### **POLICY:**

The purchase of estate property, the acceptance of gifts and/or the personal use of estate property by employees or agents of the Sheriff-Coroner Public Administrator's Office is **strictly prohibited**.

##### **PROCEDURE:**

1. All employees of the Public Administrator's Office shall comply with California Government Code Section 27443 that reads in part:

"Every person holding the office of public administrator, public guardian or public conservator and any deputy or agent of such office is guilty of a crime who:

(a) Purchases, directly or indirectly, the property of any estate or a claim against any estate administered by any public administrator, public guardian or public conservator in his official capacity, or

(b) Acts upon any transaction or expenditure in connection with the administration of an estate by the public administrator, public guardian or public conservator in his official capacity, when he has a financial interest in such transaction or expenditure, or having knowledge of such interest, is associated in business with anyone who has such an interest.

Any violation of this section is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the County Jail not exceeding one year, or by both such fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code."

2. Pursuant to Govt. Code 27443.5, employees of the Public Administrator's Office are subject to the above restrictions with respect to the estates administered by the Humboldt County Sheriff-Coroner Public Administrator.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

3. Members of an employee's immediate family shall not be permitted to purchase items of property of any estate under the jurisdiction of the Public Administrator's Office.

4. Employees shall not accept gifts from individuals who have purchased items from estates under the jurisdiction of the Public Administrator's Office, nor shall members of an employee's immediate family accept such gifts.

5. Employees shall not remove any items of estate property for their personal use under any circumstances, including items that may be discharged as being of such little value they cannot be sold at auction. The Property Technician will be responsible for properly disposing of such minimal or no-value items. All items disposed of will be properly documented in estate case file.

#### **810.8 INDEPENDENT ADMINISTRATION OF ESTATES**

##### **REFERENCE:**

Probate Code Sections 10400 et seq, 10500 et seq.

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will seek appointment to administer estates using the authority provided by the Independent Administration of Estates Act (IAEA) whenever possible.

##### **DEFINITIONS:**

**Ex Parte** – Done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested (an ex parte hearing).

**Interested Person** – (1) Devisees and legatees whose interest in the estate is affected by the proposed action. (2) Beneficiaries of the estate (3) Heirs of the decedent in intestate estate proceedings. (4) The State of California if any portion of the estate is to escheat. (5) Persons or organizations that have requested special notice.

##### **PROCEDURE:**

Unless a determination was made to administer under Section 7660, or if precluded from doing so under another authority, all estates will be requested for administration under IAEA with full authority.

All Creditor's Claims are to be filed with the court. As prior court approval is not required to make payment, Creditor's Claims Allowances and/or Rejections are filed for record purposes only.

Once the Public Administrator has obtained authority to administer under IAEA, it becomes discretionary whether or not to obtain court approval for certain transactions.

The Deputy Public Administrator will request County Counsel prepare the IAEA petition for the issuance of Letters of Administration. Upon obtaining Letters with such powers, the estate will be administered without court approval for many transactions.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

#### **810.9 SEARCHES OF RESIDENCES- INVENTORY/MAINTENANCE OF RESIDENCE REFERENCE:**

Probate Code Sections 330, 331, 7601-7602, 8200

#### **POLICY:**

The Sheriff-Coroner Public Administrator's Office shall take prompt possession or control of property of a decedent that is subject to loss, injury, waste or misappropriation. Public Administrator staff shall make a prompt search to locate a Will and identify all assets. All personal property marshaled and/or retained by this Office shall be inventoried, witnessed and secured.

#### **PROCEDURE:**

#### **Residence Searches Shall Be Conducted with No Less than Two Staff Members.**

There shall be no exceptions.

#### **Search of a Residence**

If a decedent maintained a residence (home, apartment, mobile home, etc.) **two staff members** will visit the premises as soon as it is established the estate may fall under the jurisdiction of the Public Administrator's office, or the residence is not secured. Staff members authorized to conduct initial searches are; the Property Technician, Deputy Public Administrator and Public Administrator Sergeant.

Digital photographs or a video recording of the outside of the property shall be taken immediately upon arrival, prior to entry. Immediately upon entering the residence, photographs or a video recording will be taken of each room in the dwelling, before the search begins, to show the overall condition of the property.

A thorough search is made of the residence with special consideration to locate a Will, burial instructions, next of kin information, bank accounts, insurance policies, property deeds, veteran papers, jewelry, weapons and/or cash.

If a Will is found, and/or relatives, the executor or family members shall immediately be contacted for the purpose of determining who will proceed with administration of the estate. If an executor or family member is located, and they wish to proceed with the estate, the Deputy Public Administrator shall immediately conclude the investigation.

#### **Inventory/Maintenance of Residences**

The Deputy Public Administrator or the Property Technician shall conduct the formal inventory of the residence.

No property will be omitted from the inventory sheets except: alcohol, food, pet food, toiletry items and cleaning supplies. Items of little or no value may be grouped together.

The Deputy Public Administrator or the Property Technician shall endeavor to adequately describe property items, particularly jewelry, to aid in identification, and serve as a basis of computation of a loss in the event of fire or theft. Items of lesser value may be grouped. Each item inventoried will

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

reflect the condition of the property (good, fair, poor) and indicate the location where the property will be located.

At the conclusion of the residence search, the investigators shall empty and discard all perishable food in the refrigerator, unplug it and leave the door ajar. The hot water heater shall be turned off, as well as any other appliances or units that would consume power and pose a threat to the integrity of the structure.

Primary residence and vehicle keys will be identified and marked separately and secured by the Property Estate Assistant.

All photographs and video shall be secured in the Sheriff-Coroner Public Administrators' Office e-file system and the case file. All photographs and video documentation shall be stored as per statute of limitation retention requirements.

#### **810.10 PERSONAL PROPERTY INTAKE AND DISPOSITION POLICY:**

The Sheriff-Coroner Public Administrator's Office will follow all appropriate statutory and Departmental guidelines regarding the acquisition, safeguarding, and recording of personal property belonging to decedent's estates.

#### **PROCEDURE:**

The Property Technician is frequently required to take charge of a decedent's personal property during the course of an investigation. He/she will ensure that all property coming into his or her possession is properly witnessed, documented and safeguarded.

#### **Residence Searches Shall Be Conducted with No Less than Two Staff Members**

There shall be no exceptions.

#### **Inventory of Property**

The Deputy Public Administrator or the Property Technician will itemize any property taken. For uniformity and identification purposes, all inventories should list the decedent's name and indicate from where the property was removed (residence address, hospital, safe deposit box).

Have a witness present and document all items inventoried.

Cash shall be counted and receipted in the presence of two (2) Public Administrator staff members, preferably the Deputy Public Administrator and the Property Technician. Upon return to the office, a secondary count will be conducted by the account clerk in one of said staff member's presence. Cash will then be immediately secured in the office safe until deposited.

Jewelry shall be inventoried in the presence of two (2) Public Administrator staff members and then immediately placed in office safe and shall remain secured in the Public Administrator's safe until sold or distributed.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

Firearms located will be made safe and unloaded before handling. If staff is not familiar with firearm safety and weapon operation or does not feel he/she can make the firearm safe, the Sergeant will be contacted to respond and do so. In his/her absence a patrol Deputy will be requested to do so. All firearms will be photographed and inventoried by make, model, caliber and serial number. Once inventoried they will be immediately placed in the office safe or other appropriate secured storage. Refer to Firearms section for specifics on handling and disposition.

Firearms, Jewelry, cash and any other valuable items shall be returned to the office immediately. At no time will staff stop anywhere for any reason prior to returning these items to the office for secured storage.

No valuables are to be kept at any Sheriff-Coroner Public Administrator staff member's desk.

The Deputy Public Administrator or the Property Technician will maintain an inventory list of all items indicating the estate name, Deputy PA assigned and their storage location.

The Deputy Public Administrator assigned to the estate case will update the inventory "status" as items are sold, distributed or abandoned. The assigned Deputy Public Administrator is responsible to maintain accountability of the property in conjunction with the Property Technician. Abandoned items must include an explanation and adhere to Probate Code Section 9780-9781.

#### **Release of Property**

Release and/or sale of property in any fashion shall be documented by date and to whom it was released. Verification will be kept in case file, including any receipts for funds gained by auction or sale. Deputy PA is responsible for updating status with Property Technician.

#### **810.11 REAL PROPERTY MANAGEMENT**

##### **REFERENCE:**

Probate Code Sections 9650 et seq.

##### **POLICY:**

Real property will be managed by the Sheriff-Coroner Public Administrator's Office in such ways as to maximize both the security and the value of the estate's property.

##### **PROCEDURE:**

The Deputy Public Administrator will assume overall responsibility for real property upon receiving assignment of the case.

The assigned Deputy Public Administrator will make arrangements to obtain appropriate insurance coverage for the property when estate financially allows. This will include making contact with current insurance company and continuing coverage if possible. Additional coverage for vacant residences shall be attempted when estate financials dictate.

The Property Technician will ensure electricity service is maintained at all estate residences if feasible. He/she will make arrangements to shut-off water and gas service at the residence at the earliest possible time, unless there is a specific need to keep it on such as lawn sprinklers, water

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

pipe integrity, escrow walk-through, etc. Exceptions to this procedure will need to be discussed with the Deputy Public Administrator for approval. Utility services must be changed into the estate name as soon as possible and remain on as to protect the integrity of the property. If applicable, services such as waste must be halted with the governing agency.

The Deputy Public Administrator or the Property Technician will ensure that the property is adequately safeguarded from potential damage or unauthorized occupancy by transients, vandals, or other individuals as much as possible within the finances of the estate.

The Deputy Public Administrator will consult with the Deputy Public Administrator Sergeant prior to the expenditure of estate funds to renovate or improve real property beyond basic safeguard requirements.

Upon listing the real property for sale, the Deputy Public Administrator will periodically contact the listing agent to review the level of interest received, including simple inquiries and/or showings. **Every offer** received will be discussed and considered by the Deputy Public Administrator.

Prior to sale, the Deputy Public Administrator will be responsible for any rental evictions or arrangements to maintain tenants. All forced evictions will be handled through the Sheriff's Civil Unit in accordance with current state law.

#### **810.12 FIREARMS AND WEAPONS**

##### **REFERENCE:**

Penal Code Sections 12001, 12078, DOJ Requirements, and Sheriff's Office Policy and Procedure Manual.

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office shall comply with all appropriate laws and Sheriff's Office policies when handling, transporting and selling firearms or other weapons.

##### **PROCEDURE:**

##### **Transportation / retention**

**Never point a firearm at anyone.**

For the safety of all staff, firearms are to be handled with the assumption they are loaded and dangerous.

**All weapons shall be transported to our facility by the assigned Deputy Public Administrator or Property Technician only.**

If handling a firearm, point the weapon at the ground at all times.

**Do Not look in the front of the barrel, and NEVER PULL THE TRIGGER.**

When firearms are located in a residence, render the weapons safe; magazines are to be removed, slides locked to the rear or cylinders opened with no round in chamber.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR

---

If Public Administrator staff encounters an unusual or unfamiliar firearm, or a firearm that does not respond to attempts to unload it, promptly contact the Public Administrator Sergeant for assistance. If he/she is not available request a patrol Deputy respond to assist. If still unable to make the weapon safe, contact the range master to respond. If unavailable the on duty Watch Commander is to be notified.

Ammunition shall be transported separately from the weapon. Ammunition should generally be left in the residence. If circumstances prevent this, it must be booked into the Sheriff's Property Division for appropriate disposition. **At no time will ammunition be stored with firearms.**

Prior to entering the firearm into inventory, the Deputy Public Administrator or the Property Technician shall ensure the weapon is not stolen by running the weapon serial number through CLETS. If a DROS is located on the firearm, the Deputy Public Administrator must indicate such in case file.

Firearms are to be inventoried, photographed and entered into the inventory by the Deputy Public Administrator or the Property Technician in the same manner described for other estate property. They must include make, model, caliber, serial number and brief description of type of the firearm and its condition.

All firearms are to be marked with estate name and case number by the Deputy Public Administrator or the Property Technician.

All firearms are to be placed in secured storage immediately after inventory and photograph procedures are completed by the Deputy Public Administrator or the Property Technician.

#### **Gun release**

The Public Administrator's authority is strictly limited to release firearms to the next of kin only, or as specified in will or trust. All must be in conjunction with current state law.

Firearms that may be legally possessed, may be released to next of kin, providing the next of kin is an adult, legally able to possess a firearm under any and all state and federal laws. Transfer of the firearm must go through an authorized FFL dealer meeting all state and federal firearms transfer laws. Ammunition shall not be released. **No Exceptions.**

If an entitled heir requests delivery, the heir will be responsible for all cost of the delivery and sale/transfer; e.g., packing, shipping, insurance, labor, etc., to be paid directly to the firearms dealer.

#### **Special Considerations**

If the next of kin has no interest in taking possession of the firearms, the Deputy Public Administrator will inquire as to their request for disposition. The firearms may either be sold as property of the estate or destroyed upon request only.

#### **Disposition**

A firearm may be destroyed in the following circumstances:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

- A signed letter authorizing destruction received from the decedent's next of kin or beneficiary.
- The firearm is illegal.
- In all cases, the firearm must be run in CLETS first to ensure that it is not stolen.
- The firearm shall be booked into Sheriff Property Room "FOR DESTRUCTION."
- The firearm shall be described in detail: make, model serial number, and caliber.

#### **Sale of firearms and other miscellaneous weapons**

Firearms are to be inventoried and appraised as assets of the estate.

Unless firearms contained in a particular estate are specifically requested for disposition by an entitled heir, they will be offered for sale directly to, or on a consignment basis by, a licensed firearms dealer in Humboldt County. When an estate includes firearm(s), heirs should be notified of this policy as soon as possible. **Firearms should not be sold or destroyed prior to written notification to entitled heir(s) and response.**

The firearms dealer handling the consignment sale will not divulge the estate name to prospective buyers or actual purchasers.

Any firearm placed on consignment that does not sell within an acceptable period of time, as determined by the Deputy Public Administrator, may be sold directly to the FFL for an agreeable, reasonable price.

Exceptions to this procedure must be discussed and approved by the Public Administrator Sergeant. Generally, exceptions should be considered only when firearms represent a significant value in an otherwise insolvent estate, or when disposition disagreements occur among multiple heirs.

#### **810.13 AUTHORIZATION TO LIQUIDATE REAL OR PERSONAL PROPERTY REFERENCE:**

Probate Code Sections 62, 10000 et seq.

#### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will liquidate real and personal property when necessary to meet the needs of the estate. Estate property shall not be sold without the Public Administrator Sergeant or assigned Deputy Public Administrator's authorization.

#### **DEFINITIONS:**

**Property** – Anything that may be the subject of ownership and includes both real and personal property and any interest therein.

**Personal Property** – Includes any movable or intangible thing that is subject to ownership and not classified as real property. (Furniture, furnishings, vehicles, mobile homes, jewelry, coins, stocks, bonds, bank accounts, and investment accounts, etc.).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

**Real Property** – Includes improved and unimproved real estate, and a leasehold interest in real property.

**PROCEDURE:**

The Public Administrator has the statutory authority to sell real or personal property of the estate subject to the following limitations, conditions and requirements as set forth in Probate Code Section 10000:

- Where the sale is necessary to pay debts, devises, family allowance, expenses of administration, or taxes.
- Where the sale is to the advantage of the estate and in the best interest of the interested persons.
- Where the property is directed by the Will to be sold.
- Where authority is given in the Will to sell the property.

The Deputy Public Administrator will review the decedent's Will for instructions as to the disposition of estate property and follow those instructions whenever possible.

The Deputy Public Administrator will consult with the Public Administrator Sergeant before arranging to liquidate items specifically mentioned in the Will.

Pursuant to Section 10003, if estate property is required, or permitted to be sold, the assigned Deputy Public Administrator may:

- Use discretion as to which property to sell first.
- Sell the entire interest of the estate in the property or any lesser interest therein.
- Sell the property either at public auction or private sale.

Upon determination that estate property has been subject to all statutorily required inventory and appraisal processes, the Deputy Public Administrator may authorize the sale, and utilize the Property Technician to help in the sale and transportation of the property.

#### **810.14 SALE OF REAL PROPERTY**

**REFERENCE:**

Probate Code Sections 1220, 1230, 7660-7666, 10000-10382, and 10500 et seq.

**POLICY:**

The sale of real property by the Sheriff-Coroner Public Administrator's Office will be conducted in accordance with all Probate Code statutes, local court rules and real estate guidelines.

**Legal Authorization**

Generally, Probate Code Sections 10300-10351 govern real property sales.

The Deputy Public Administrator will enter into a written contract with either or both a licensed real estate agent and/or broker to secure the sale of any real property of the estate.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

Real property sales are accomplished by an authorized real estate agent or broker and must conform to the Probate Code and local court requirements for real property sales. These requirements include:

- The listing agreement does not exceed ninety (90) days.
- There is no automatic renewal after the ninety (90) day period expires. Renewal must be approved by assigned Deputy Public Administrator.
- The commission will not exceed six (6) percent of improved property and ten (10) percent for unimproved property, unless authorized by the Deputy Public Administrator
- The sale is "as is" with no warranties.
- A ten (10) percent deposit accompanies the purchase offer as a preferred amount. However, the deposit amount is subject to negotiation with Deputy Public Administrator Sergeant's approval.

#### **810.15 SALE OF PERSONAL PROPERTY**

##### **REFERENCE:**

Probate Code Sections 7660-7666, 10250-10264, and 10537.

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office shall exercise the power to sell personal property of an estate in accordance with all Probate Code statutes and requirements.

##### **PROCEDURE:**

The Public Administrator may sell personal property, with or without notice, in any of the following cases:

- Where the property is directed by the Will to be sold.
- Where authority is given in the Will to sell the property.
- Where the property is perishable, will depreciate in value if not disposed of promptly, or will incur loss or expense by being kept.
- Where sale of the property is necessary to provide for the payment of a family allowance pending receipt of other sufficient funds.

The Public Administrator may sell personal property, with or without notice, in an estate administered under the authority of Probate Code Section 7660-7666.

Estates which do NOT meet one of the above criteria shall require Notice of Proposed Action or Notice of Sale prior to the taking of any action.

The Public Administrator shall comply with the **Notice of Proposed Action (NOPA)** requirements pursuant Probate Chapter 4, Section 10580, when administering an estate under Part 6 of the Probate Code, Independent Administration of Estates Act (IAEA), prior to the Deputy Public Administrator exercising the power to sell, lease or exchange real property. Notice shall be given to all parties listed in Section 10581 of the Probate Code.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR

---

#### **810.16 RELEASE OF PROPERTY**

##### **REFERENCE:**

Probate Code Sections 7663, 13100, 13114.

##### **POLICY:**

The Sheriff-Coroner Public Administrator Office **may** release assets to a private executor or Administrator when it is determined that they will act to represent the estate; or to heirs and beneficiaries, if appropriate, of estates managed by the Public Administrator.

##### **PROCEDURE:**

Estate Assets will only be released prior to the final stage of administration in certain limited circumstances and authorized in advance by the Public Administrator Sergeant. A signed receipt is required prior to the release of all property.

- In Minor Estates that are solvent personal property may be released to heirs after the expiration of the four-month creditor's claim period, prior to the conclusion of the estate, upon review and approval by the Public Administrator Sergeant.
- Property in Summary and Formal Estates will not be released without a preliminary distribution authorization from the court and will not be released until after the four-month creditor's claim period has expired. **Requests for this action must be approved by the Public Administrator Sergeant.** County Counsel will prepare and file the appropriate forms.
- The Deputy Public Administrator or the Property Technician may release non-valuables, such as paperwork, personal pictures, etc., to the decedent's heirs or beneficiaries upon approval by assigned Deputy Public Administrator. **A signed receipt is required prior to the release of this property.**
- When shipment of property is required, property will be weighed, and shipping costs determined. The heir will be responsible for covering the cost of shipping **prior** to the property being shipped.

#### **Releasing Property to a Private Executor or Administrator**

In the event a private executor or successor administrator obtains Letters of Appointment subsequent to the Public Administrator, estate property may be released under certain circumstances.

- Should an attorney make a **written** request for an early release from the executor or administrator, the Public Administrator Sergeant or Deputy Public Administrator will consult with County Counsel to ensure the release is in accordance with statutory requirements and may be handled as requested prior to the actual release of any property.
- Personal property and cash assets in the possession of the Public Administrator may be withheld to defray proper expenses of administration incurred for the preservation of the estate, along with reasonable compensation for services (Section 7604) **if** payment of the expenses of administration have not first been made, or if the Public

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

Administrator Sergeant determines there is a likelihood the subsequent executor or administrator is not willing to pay the costs incurred (Section 13114).

- If the deceased was not a resident of Humboldt County and the Public Administrator took possession of the estate assets in this county to protect them from waste, loss or theft, such assets may not be released until the executor or administrator obtains Letters of Administration from the appropriate county or state and provides an endorsed copy of Letters to the Deputy Public Administrator.
- **A signed Receipt is required in all cases and for all items released.** Upon the release of property to a subsequent executor or administrator, a receipt listing all items must be signed.
- If property is requested to be shipped, it must be sent by **Registered Mail** and the authorized recipient will be responsible for the cost of shipping **prior** to the property being shipped. A receipt signed by the Deputy Public Administrator **and** the Property Technician, or a secondary staff member, listing all items being shipped will be kept in the estate file along with proof of mailing and included in the package sent.
- The Deputy Public Administrator or the Property Technician may release non-valuables, such as paperwork, personal pictures, identification, etc., to the decedent's successor upon the appropriate identification of that successor, and authorization by assigned Deputy Public Administrator. A signed receipt is required prior to the release of this property.

#### **810.17 CREDITOR'S CLAIM**

##### **REFERENCE:**

Probate Code Sections 9000-9399, 11420-11429; Code of Civil Procedure 366.2

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will investigate and account for all debts of an estate in accordance with all statutory laws and local Superior Court rules as part of the probate of an estate.

##### **DEFINITIONS:**

**Claim** – A demand for payment for any of the following whether due, not due, accrued or not accrued, or contingent, and whether liquidated or not.

- Liability of the decedent whether arising in contract, tort, or otherwise.
- Liability for taxes incurred before the decedent's death, whether assessed before or after the decedent's death, other than property taxes and assessments secured by real property liens.
- Liability of the estate for funeral expenses of the decedent.
- "Claim" does not include a dispute regarding title of a decedent to specific property alleged to be included in the decedent's estate.

**Creditor** – a person who may have a claim against estate property.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

#### **PROCEDURE:**

The Public Administrator shall give notice of administration to the known or reasonable ascertainable creditors of the decedent pursuant to Probate Code Section 9051, which requires Notice be given within four (4) months from the date Letters are first issued, or thirty (30) days after the personal representative first has knowledge of the creditor.

Creditor's Claims are subject to Statutes of Limitations. First, as set forth in Probate Code Section 9100, which establishes the time to properly file a claim. Additionally, claims in estates of persons dying on or after January 1, 1993, are barred if not presented within one year after date of death, except as otherwise provided. (Code of Civil Procedure 366.2)

All statements, invoices and bills recovered from the decedent's residence along with original bills received for estates shall be filed in the designated area of the estate file pending the issuance of Letters or Public Administrator written certification.

The Deputy Public Administrator is responsible for the Notice of Administration of Estate to be sent to all known creditors.

When a claim is received, the Deputy Public Administrator reviews the claim for validity in terms of both the debt information presented and the estate circumstances. In estates administered under court appointment, the Deputy Public Administrator will receive an Allowance or Rejection form from counsel to be filed with court. In all other estates, the Deputy Public Administrator maintains estate claims.

General criteria to be used in the evaluation of claims is outlined in Probate Code Section 9151-9154. Any questions regarding the appropriateness of a claim should be addressed with the Public Administrator Sergeant.

Claimants of wholly or partially rejected claims have ninety (90) days from the date of notification to file a court action contesting the decision as set forth in Probate Code Sections 9250 and 9353.

Administration under the Independent Administration of Estate Act (IAEA) the Public Administrator has authority to:

- Allow, pay, reject, or contest any claims by or against the estate.
- Compromise or settle a claim action or proceeding involving the decedent, personal representative, or the estate.
- Release claims to the extent they are uncollectible. Court filed actions are subject to Notice of Proposed Action or settlement by court approval.

If the estate is not administered under IAEA with full powers, the court must also approve the claim for payment or rejection. Most Public Administrator cases are administered under IAEA with full powers.

#### **Claims Presented in Formal Estates**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

All Creditor's Claims must be submitted on a court approved Creditor's Claim form and filed directly with the court and a copy must also be served on the Public Administrator or their counsel. If the creditor fails to file the claim with court and serve the personal representative, the claim shall be invalid, pursuant to Probate Code Section 9150(d).

Creditors sending original claims to the Public Administrator rather than filing them with the court should be notified by the Deputy Public Administrator, within three (3) working days of their receipt. The original claim will be returned with instruction to be filed with the Probate Department of the Superior Court.

All statements, invoices and bills recovered from the decedent's residence, and those received through forwarded mail, will be placed in the estate file pending the issuance of Letters.

The Notice to Creditors must be sent within four (4) months of the issuance of Letters. In the event the Public Administrator receives a bill or demand for payment from a previously unknown creditor and, Notice has been completed, the Program the assigned Deputy Public Administrator should immediately discuss the matter with the Public Administrator Sergeant and determine the appropriate action.

Allowed Claims against the estate are paid in the order of priority according to Section 11420 of the Probate Code.

Department of Health Services' claims may or may not be considered general creditors depending on the services for which the Department is seeking reimbursement. If some of the services were for last illness, that portion could be treated as a priority claim.

The Franchise Tax Board is not a priority creditor and claims do not come before federal taxes, funeral, and last illness, etc.; however, the Franchise Tax Board is a preferred creditor coming before general creditors of the estate.

#### **Claims Presented in Public Administrator Summary Disposition Estates**

Creditor's Claims in Summary disposition of small estates (less than \$150,000) administered under Public Administrator written certification, or Ex Parte Order will be processed using the same procedures as in Formals, except claims are not filed with the court.

In Summary Estates, the claims are requested to be directed to the Public Administrator's Office and should be presented within four months from the date of appointment. However, until the Statement of Disposition is prepared claims may be considered.

#### **Determining Validity of Claims**

The assigned Deputy Public Administrator determines if:

- Claim is sufficient as to form and content to be approved;
- Claim is submitted on appropriate form and necessary sections (boxes) are completed, signed, and supported by an affidavit or declaration, amount is justly due and correct.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR

---

- Claim was filed timely with the court, served on the Public Administrator, and an itemized statement is included or attached thereto.
- If any uncertainty or questions arise as to the validity of a claim, the Deputy Public Administrator shall consult with the Public Administrator Sergeant concerning approval or rejection.
- Before approval, the Deputy Public Administrator determines if claim has been filed with the court.
- When a claim is filed, the Deputy Public Administrator shall allow or reject the claim, in whole or in part, by executing an Allowance or Rejection of Creditor's Claim form. In estates administered under court appointment, Counsel will prepare the Allowance or Rejection of Creditor's Claim form for all creditor claims received and will forward the form to the Public Administrator Sergeant for approval, rejection, in whole or in part, and signature. The signed Allowance or Rejection form shall be returned to Counsel for filing with court. A creditor has ninety (90) days to act on a rejected claim.
- In Summary estates administered under Probate Section 7660-7666, when a claim is submitted, the Deputy Public Administrator shall allow or reject the claim, in whole or in part. If a claim is determined to be insufficient as to information provided, within ten (10) working days of receipt of the claim, the assigned Deputy Public Administrator will send a letter to claimant explaining the defect and requesting that it be remedied by submitting a new claim within ninety (90) days. If defect is not corrected within ninety (90) days, the Deputy Public Administrator will notify the Public Administrator Sergeant and recommend a course of action for review.
- Under certain conditions, Probate Code Section 9154 allows a personal representative to waive formal defects in a claim. To pay claims pursuant to that section, the Deputy Public Administrator should promptly review all claims four (4) months after Letters are issued. The Deputy Public Administrator may pay an otherwise defective claim provided the claim is paid within 30 days after the four-month period has expired if **all** of the following are satisfied:
  - the debt is justly due;
  - the debt is paid in good faith;
  - the amount paid is the true amount of the indebtedness over and above all payments and offsets;
  - **the estate is solvent.**

#### **Payment of Claims in Solvent Estates:**

After reserving sufficient funds to pay expenses of administration, priority claims: funeral, expenses of last illness, family allowance, and wage claims, are to be paid as soon as the personal representative has sufficient funds. (Probate Code Section 11421)

All Requests for Payments are prepared by the assigned Deputy Public Administrator and given to the Account Clerk for processing.

#### **Payment of Claims in Insolvent Estates**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

In an **insolvent** estate, after reserving sufficient funds for all expenses of administration, priority claims shall be paid if there is no question as to their classification. If there is a question as to whether a claim is a priority (as sometimes occurs with possible "last illness" claims,) it should not be paid from an insolvent estate without a court order, or Public Administrator Sergeant approval.

General claims are **not** paid until the court has approved the final accounting and the proration of the claims. However, the process for approving and paying the claims are the same as in solvent estates. The Deputy Public Administrator assigned will send letters to claimants of proration or rejection.

#### **810.18 FILING FEDERAL AND CALIFORNIA STATE TAX RETURNS POLICY:**

Sheriff-Coroner Public Administrator Office will seek to meet deadlines for the filing of all Federal and California personal and Estate Tax Returns in order to avoid penalties.

#### **DEFINITIONS:**

**Tax Return** – An income tax form on which a person or entity reports income, deductions, and exemptions, and on which tax liability is calculated.

**Fiduciary** – The highest duty the law recognizes; one who must exercise the highest standard of care in managing another's money or property.

#### **PROCEDURE:**

All Federal and California Estate Tax Returns must be filed with the Internal Revenue Service or Franchise Tax Board, or an extension in the filing deadline obtained. Failure to do so will result in substantial penalties and the accruing of interest on any tax due.

Upon appointment of the Public Administrator, the Deputy Public Administrator determines the deadline for filing Federal and California Estate Tax returns. The Deputy Public Administrator will calendar the filing of tax returns sixty (60) days prior to the deadline. No less than thirty (30) days before the filing deadline, the Deputy Public Administrator will make available to the Certified Public Accountant all information relating to Federal and California Estate taxes.

If the Deputy Public Administrator cannot obtain all the necessary tax information prior to the deadline, the Deputy Public Administrator will notify the Certified Public Accountant in sufficient time to file an extension. The Deputy Public Administrator will discuss with the Accountant the amount of any estimated tax due, file the extension and submit an estimated tax payment prior to the deadline.

If an extension is denied, the Deputy Public Administrator will advise the Accountant and file the tax return using the information available.

If an extension is granted, the Deputy Public Administrator will consult with the Accountant before the extension deadline to provide the additional information. If the Deputy Public Administrator

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

is unable to obtain the required information, the Deputy Public Administrator will notify the Accountant and obtain a second extension or file an incomplete return.

As a general rule, Minor Estates (valued at less than \$50,000) will not require tax returns. However, in some instances, returns could be required. When in doubt, the Deputy Public Administrator should consult with the Certified Public Accountant.

Summary Estates (valued between \$50,000 and \$150,000) that generate \$600 or more in income may require tax returns. If stock or real property is liquidated, rents collected, or interest income generated, the Deputy Public Administrator should consult with the Certified Public Accountant for advice as to the filing of returns.

Most Formal Estates (valued at \$150,000 or greater) will require a tax return. The Deputy Public Administrator shall review these estates immediately upon appointment to determine the tax filing deadlines and provide the Certified Public Accountant with financial information in sufficient time for the meeting of those deadlines.

The following tax matters shall be considered and planned for as soon as possible:

- Preparing the decedent's prior tax year and final personal income tax returns.
- Paying the decedent's estimated tax.
- Applying for an Estate Tax Identification Number (EIN) through the IRS if necessary.
- Securing an accountant for the estate.
- With the guidance of an accountant, selecting the estate's tax year, and filing month.

#### **810.19 ADMINISTRATIVE EXPENSES AND FEES**

##### **REFERENCE:**

Probate Code Sections 7621, 9651, 10800-10805

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office shall receive compensation in the amount and manner provided by statute, and will seek court approval to recover investigative expenses in specific circumstances.

##### **DEFINITIONS:**

**Statutory Commissions** – For ordinary services, the personal representative is entitled to receive compensation based on the value of the estate.

**Extraordinary Fees** – For extraordinary services performed by the personal representative, the court may allow additional compensation in an amount the court deems just and reasonable.

**Investigation Expenses** – If the Public Administrator takes possession or control of property, but another person subsequently takes charge of the estate, the Public Administrator is entitled to recover reasonable costs incurred for the preservation of the estate together with reasonable compensation for services.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

#### **PROCEDURE:**

The Sheriff-Coroner Public Administrator Office shall request court approval to receive statutory fees calculated on the value of the estate in full probate estates.

Appropriate reimbursement for a specific cost not listed herein must be discussed with, and approved by, the Public Administrator Sergeant.

#### **Statutory Commissions**

The Public Administrator is entitled to a minimum compensation of one thousand dollars (\$1,000). (Probate Code Section 7666(b))

The value of estates administered and managed by the Public Administrator's Office is the total amount of the appraised value of property in the inventory, plus gains over the appraised value on sales, plus receipts, less losses from the appraisal value on sales, without reference to encumbrances or other obligations on estate property, and calculated as follows:

- Four percent of the first one hundred thousand dollars
- Three percent on the next one hundred thousand dollars
- Two percent on the next eight hundred thousand dollars
- One percent on the next nine million dollars
- One-half of one percent on the next fifteen million dollars
- For all amounts above twenty-five million dollars, a reasonable amount to be determined by the court.

#### **Extraordinary Fees**

The Deputy Public Administrator will keep a record of time spent for performing services considered to be extraordinary above the allowable costs already on the court approved schedule. The Public Administrator's may request the actual cost for services performed. An extraordinary service for which the Public Administrator may request compensation:

- Litigation
- Business Management Services such as, maintaining rental properties
- Sale of real property and any associated unlawful detainers/evictions
- Tax preparation

#### **Bond Fee**

Every estate administered shall be charged an annual bond fee in the amount of twenty-five dollars (\$25) plus one-fourth of one percent of the amount of an estate greater than ten thousand dollars (\$10,000). The amount charged is an expense of administration and shall be deposited in the county treasury. Upon final distribution, bond charges in excess of one year shall be prorated.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

#### **810.20 CLOSING CASES**

##### **REFERENCE:**

Probate Code Sections 7660-7666.

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office will ensure that all estates handled by the division are monitored and completed in a timely fashion.

##### **DEFINITIONS:**

**Escheat** – Reversion of property to the county or state upon the death of an owner who has neither a will nor any legal heirs.

##### **PROCEDURE:**

The assigned Deputy Public Administrator will be responsible to monitor his/her cases on a regular basis. When all issues have been resolved (i.e., bank accounts collected, safe deposit boxes inventoried and closed, real and personal property sold, insurance proceeds collected, heirs determined, etc.) steps will be taken to conclude the estate.

##### **Closing of Estates**

If the estate is in a position to manage the cost of disposition of the remains, such arrangements should be made during the administration of the estate. In the event the decedent prepared a Last Will and Testament, the Public Administrator's Office will do everything possible to follow the decedent's instructions.

The Deputy Public Administrator will make all efforts to determine the appropriate estate distribution. When no relatives or beneficiaries have been identified the estate proceeds will escheat to the Humboldt County Treasurer. In the event next of kin has been identified, but the whereabouts of the individual(s) are unknown, the proceeds will be directed to the State of California Unclaimed Property Division for said heir as, "whereabouts unknown."

Once all statutory and court requirements have been met, debtors claims processed and final distributions made, the Deputy Public Administrator assigned shall begin the case closure procedures. This shall include submitting a financial summary report verifying estate account balance is zero, and all personal/real property resolved. The Deputy Public Administrator will then complete a case closure form and submit the case to the Public Administrator Sergeant for closure approval.

Full Probate and A1 original case files will be kept for three (3) years from date of closure. Investigative Only and A2 case files will be kept for one (1) year from date of closure. After that, the original files will be scanned and archived for future reference. All original files may be destroyed after completed scanning.

#### **810.21 FIDUCIARY DUTIES AND FISCAL SERVICES- ESTATE ACCOUNTING**

##### **REFERENCE:**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR

---

Probate Code Sections 1060 et. Seq., 7640 et. Seq., and 10900 et. Seq.

#### **POLICY:**

The Sheriff-Coroner Public Administrator's Office is responsible for safeguarding and managing assets belonging to the decedent. The assigned Deputy Public Administrator and the Account Clerk are jointly responsible for providing the required fiscal services necessary to ensure the fiduciary responsibilities are fulfilled.

#### **Public Administrator Fiduciary Function**

In all actions performed by the Deputy Public Administrator in their fiduciary capacity, the best interest of the decedent must be the primary concern. A fiduciary is held to a standard of conduct and trust above that of an ordinary relationship; the utmost trust and confidence is placed with the fiduciary to manage and protect the money and/or property of another. Duties include loyalty and reasonable care of the assets within the control and custody of the Fiduciary/Deputy Public Administrator.

#### **DEFINITIONS:**

**Legal definition of Fiduciary** - A person who has the power and obligation to act for another under circumstances which require total trust, good faith, and honesty.

**Fiduciary Accounting** - A record of financial transactions and balances, each with detailed entries, divided into "credits" and "charges", including asset conversions, for a decedent's estate for a specific period of time. The total sums of the "credits" and "charges" must be equal in the final accounting.

#### **Accounting Services**

The goal of the Account Clerk is to provide the most accurate and efficient asset accounting possible. Listed below are the major fiscal services involved:

1. Accounting Requirements and Maintenance of Fiscal Records
2. Accounts Receivable/Deposits
3. Accounts Payable/Disbursements
4. Estate Trust Fund Account Postings (income, expenses, interest postings, etc.)
5. Revolving Fund Advance and Reimbursement
6. Account Reconciliations (Estate, Trust Fund, and Revolving Fund)

### **810.22 ACCOUNTING REQUIREMENTS FOR FISCAL RECORDS**

#### **REFERENCE:**

Probate Code Sections 1062-1063, 7663, 7665, and 10901-10902.

#### **POLICY:**



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

The Sheriff-Coroner Public Administrator's Office shall maintain the most accurate estate accountings possible complying fully with all statutory and local court requirements; and shall maintain a file of all receipts and records of expenditures after final disposition.

#### **PROCEDURE:**

Upon notification, a Deputy Public Administrator will be administering an estate, he/she will notify the Accountant Clerk and create a Public Administrator's estate accounting file.

The Account Clerk is responsible to ensure all Public Administrator financial spreadsheet entries are supported by detailed receipts showing the nature or purpose of each item, the source of income or name of the payee, and the date thereof.

Upon receipt of funds for an estate, the Account Clerk will be responsible to prepare all necessary deposit paperwork and record all activity to ensure each estate is credited properly.

The processing and posting of payments will be the responsibility of the Account Clerk and will be handled according to the detailed procedures of each activity.

The Public Administrator's Revolving Fund account will be reconciled monthly by the Account Clerk with review and oversight provided by the Public Administrator Sergeant.

Prior to closing an estate, the assigned Deputy Public Administrator will request the Account Clerk to prepare a final accounting summary trust schedule for each estate to ensure all account activity is complete, accurate, and all tasks have been completed. This must include verifying all assets have been sold and/or distributed, and the trust account balance is zero.

#### **810.23 ESTATE ACCOUNTS PAYABLE/DISBURSEMENTS**

##### **REFERENCE:**

Probate Code Sections 7662, 7663, and 10556.

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office is responsible to pay expenses of administration, debts, and taxes, for estates administered by the Public Administrator; and safeguard the decedent's assets. It is the policy of this office to address each obligation in a fair and timely manner, ensuring that correct and proper payments are made as funds of the estate permit and in the order of priority established pursuant to Probate Code §11420.

##### **DEFINITIONS:**

**Expenses of Administration** – The Public Administrator is responsible to manage the decedent's estate in such a manner as to prevent unnecessary loss and/or liability. Accordingly, the assigned Deputy Public Administrator has the statutory power to pay all ongoing expenses in connection to the "collection, care and administration of the estate" pursuant to Probate Code §10556). Payments for the costs of Administration (taxes, insurance, utilities, storage, repairs, etc.) may be made upon receipt of the creditor's original bill and the approval of the assigned Deputy Public Administrator.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

**Debts** - Estate debts may be from pre-death obligations (creditor's claims), funeral expenses, and/or general debts owed by the decedent. Pursuant to Probate Code §11401, "Debt" means:

- A claim that is established or that is otherwise payable in the course of administration.
- An expense of administration.
- A charge against the estate including, but not limited to, taxes, expenses of last illness, and family allowance.

#### **PROCEDURE:**

All estate disbursement requests are forwarded to the Account Clerk. The Account Clerk will ensure any necessary support documentation is included with the payment request, and will confirm the current status of the estate's trust balance. The Account Clerk will then make a notation regarding estate funds verification and route the payment request to the assigned Deputy Public Administrator for review and to Public Administrator Sergeant for signature/approval.

#### **810.24 REVOLVING FUND ADVANCES AND REIMBURSEMENTS**

##### **POLICY:**

The Sheriff-Coroner Public Administrator's Office is responsible to pay expenses of estate administration and safeguard the decedent's assets to protect the interest of those who benefit pursuant to law. The Deputy Public Administrator has the authority to use the Public Administrator's Revolving Fund to pay time sensitive estate expense. The Deputy Public Administrator and the Account Clerk are jointly responsible for maintaining the required accounting records necessary to accomplish these responsibilities.

##### **DEFINITIONS:**

**Public Administrator's Revolving Fund** - The Public Administrator's Revolving Fund is established for the purpose of accomplishing specific activities related to estate administration. Revolving funds are used to advance individual estate funds to pay urgent and necessary expenses. Revolving funds are to be reimbursed from estate funds as quickly as reasonably possible.

##### **PROCEDURE:**

The revolving fund is to be used to pay urgent expenses in the course of administering an estate. The Revolving Fund has an authorized balance of \$10,000. In order to operate efficiently and cover continual needs of all estates, the Revolving Fund must be continually reimbursed from estate's funds as soon as the money becomes available.

The Account Clerk will maintain a Public Administrator's Revolving Fund accounting record showing all checks drawn on the account, and monitor the status of reimbursement requests, involving the Public Administrator's Revolving Fund.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *DUTIES AND FUNCTION OF THE PUBLIC ADMINISTRATOR*

---

Requests for payment from the Revolving Fund shall be presented to the Account Clerk with a written request stating the use of the Revolving Fund, the purpose of the payment, the payee, and the amount. A copy of the invoice must be attached to the request.

The Account Clerk will prepare the Revolving Fund check and attach it to the written request and invoice, then submit the documents to the Public Administrator Sergeant for approval and signature. All Payments over \$5,000 will require secondary signature of Division Lieutenant or Deputy Director.

#### **Reimbursement of Revolving Fund**

The Account clerk is responsible for processing funds reimbursed the Public Administrator's Revolving Fund. It is imperative accurate documentation, and a review of the requests is done to ensure the paperwork clearly identifies the appropriate Trust Account estate from which to draw funds. After deposits have been processed, the money will be electronically deposited into the Public Administrator's Revolving Fund account.

## **Chapter 9 - Personnel**

## Recruitment and Selection

### 900.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Humboldt County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

### 900.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

### 900.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Humboldt County Sheriff's Office 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 Humboldt County Sheriff's Office 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:

#### 900.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

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.

#### 900.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following shall be disqualifying:
  1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### 900.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
  1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
  2. Conviction for two or more misdemeanor offenses under California law as an adult
  3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
  4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

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

#### 900.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following shall be disqualifying:
  1. Missing any scheduled appointment during the process without prior permission
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
  3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
  4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
  5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

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.

#### 900.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following shall be disqualifying:
  1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
  2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

#### 900.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following shall be disqualifying:
  1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
  2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
  3. Having been disciplined by any employer as an adult for fighting in the workplace

#### 900.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

- (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

#### 900.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for sworn public safety applicants, with no exceptions:
  - 1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.
  - 2. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
  - 3. 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
  - 4. Any adult manufacture or cultivation of a drug or illegal substance or any significant instances of sales of drugs or illegal substances as an adult or minor.
  - 5. Failure to divulge to the Department any information about personal illegal use or possession of drugs
  - 6. 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., cocaine use longer than three years ago.)
  - 3. Any illegal or unauthorized use of prescription medications

#### 900.4 POLICY

In accordance with applicable federal, state, and local law, the Humboldt County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

#### **900.5 RECRUITMENT**

The Administration Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
  - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

#### **900.6 SELECTION PROCESS**

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
  2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index

#### 900.6.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

#### **900.7 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Humboldt County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

##### **900.7.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

##### **900.7.2 STATE NOTICES**

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

##### **900.7.3 REVIEW OF SOCIAL MEDIA SITES**

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

#### 900.7.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

#### 900.7.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Office shall be retained for the entire term of employment and a for a minimum of four years after separation from the Office.
- (b) Reports and documentation for candidates not hired by the Office for a minimum of four years.

#### 900.7.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Humboldt County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

#### 900.7.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

#### 900.7.8 CONFIDENTIAL POST RECORDS

Records released to the Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

#### **900.8 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **900.9 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

##### 900.9.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951)
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

#### **900.9.2 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

#### **900.10 PROBATIONARY PERIODS**

The Administration Division Commander should coordinate with the Humboldt County Sheriff's Office Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Recruitment and Selection*

---

- (d) Documenting successful or unsuccessful completion of probation.



## Evaluation of Employees

### 901.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

### 901.2 POLICY

The Humboldt County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to 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.

### 901.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Evaluation of Employees*

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#### 901.3.1 RESERVE AND PART-TIME EVALUATIONS

Reserves, extra-help employees, posse members, and other similarly situated personnel, will be evaluated pursuant to applicable training program guidelines or once each year in June for those personnel not on a training program.

#### 901.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are generally on probation for six months before being eligible for certification as permanent employees. An evaluation is completed three months into the probationary period and at least ten days before end of probation.

Safety personnel (i.e. operations deputies, correctional deputies, and dispatchers) are on probation for 12 months before being eligible for certification as permanent employees. For safety personnel, evaluations are completed pursuant to the training program guidelines or at three, six, nine and 12 months for those probationary safety personnel not on a training program (i.e. promoted employees). It is recognized that policy-based evaluations may be in addition to the evaluations found in applicable memorandums of understanding and merit rules.

#### 901.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### 901.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Evaluation of Employees*

---

**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

#### **901.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

##### **901.6.1 DISCRIMINATORY HARASSMENT FORM**

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the County and Office harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Evaluation of Employees*

---

#### **901.7 EMPLOYEE WORKING FILE**

It shall be the policy of the HCSO that every employee will have an Employee Working File maintained by their immediate supervisor.

The purpose of the Employee Working File will be to provide a central informal file on each employee for the purpose of maintaining documentation and information pertinent to the employee's current performance appraisal/evaluation period.

All documentation relevant to an employee's performance during their appraisal period shall be submitted to the employee's immediate supervisor. Examples of such documentation would include letters/memorandums of appreciation, commendation, training certificates, reprimands, etc. Any employee or citizen can submit such documentation for inclusion in an employee's Working File. Upon receipt of such documentation, the supervisor shall:

At the end of the employee's annual appraisal period, their immediate supervisor shall submit all material included in the Working File, along with their Performance Appraisal Report, up the appropriate Chain of Command to the Sheriff. The folder for the Working File shall remain in its location. The attached documentation from the Working File shall be reviewed at each level of the Chain of Command to ensure it has been properly documented on the employee's Performance Appraisal Report.

After the Sheriff has reviewed and signed the employee's Performance Appraisal Report, all material from the Working File shall be attached to the employee's copy of the Performance Appraisal Report and returned to the employee, and becomes their property. The original Performance Appraisal Report shall be placed in the employee's Personnel File, and a copy shall be placed in their Working File as part of the documentation for the next appraisal period.

An employee may review their Working File at any time during the appraisal period, having given reasonable notice to their immediate supervisor. The supervisor will access the file and provide it to the employee. The file shall not be removed from the Supervisor's office/work area.

Each Working File will have an Audit Log, which shall be completed by the employee and/or supervisor each time they review the contents of the file. The employee and/or supervisor will complete the Audit Log by listing the date, their initials, and employee number. The Audit Log will be deemed property of the employee and returned to them at the end of the annual appraisal period. A new Audit Log will be placed in the Working File at the beginning of the new appraisal period.

#### **901.8 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Evaluation of Employees*

---

#### **901.9 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

## Special Assignments and Promotions

### 902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Humboldt County Sheriff's Office.

### 902.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Humboldt County Sheriff's Office Department of Human Resources.

### 902.3 POLICY

The Humboldt County Sheriff's Office determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff.

### 902.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are examples of non-promotional special assignments. All special assignments serve at the will of the Sheriff. The duration of all special assignments is at the will of the Sheriff, typically three years with an option of a fourth, unless otherwise noted in policy, MOU, or assignment memorandum:

- (a) Americans with Disabilities Act Coordinator
- (b) Administrative Sergeant
- (c) Administrative Sergeant (Corrections)
- (d) Armorer
- (e) Background Investigator
- (f) Bicycle Patrol
- (g) Senior Classification Deputy
- (h) Classification Deputy
- (i) Compliance Sergeant (Corrections)
- (j) Concealed Carry Staff
- (k) Contract City Deputy
- (l) Corporal
- (m) Coroner Deputy
- (n) Coroner Sergeant
- (o) Court Protection Unit
- (p) Court Correctional Deputy
- (q) Crisis Negotiations Team

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Special Assignments and Promotions*

---

- (r) Detective Sergeant
- (s) Detective
- (t) Drug Task Force
- (u) Drug Task Force Sergeant
- (v) Evidence Technician
- (w) Explosive Ordinance Detail Member
- (x) Explosive Ordinance Disposal Specialist
- (y) Field Training Sergeant
- (z) Field Training Officer
- (aa) Fire Safety Team
- (ab) GRIT Team Member
- (ac) Honor Guard
- (ad) JBCT Correctional Deputy
- (ae) Canine Handler
- (af) Livestock Deputy
- (ag) Marijuana Enforcement Team
- (ah) Marijuana Enforcement Team Sergeant
- (ai) Marine Deputy
- (aj) Mobile Field Force
- (ak) N219 Housing Deputy
- (al) OHV Deputy
- (am) Recruitment Sergeant
- (an) Resident Deputy
- (ao) Senior Transport/Court Correctional Deputy
- (ap) Specialized Emergency Response Team
- (aq) School Resource Deputy
- (ar) SWAP Sergeant.
- (as) SWAP Senior Correctional Deputy
- (at) SWAP Deputy
- (au) Search and Rescue Team
- (av) Special Services Sergeant
- (aw) SWAT Team
- (ax) Training Sergeant

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Special Assignments and Promotions*

---

- (ay) Training Coordinator
- (az) Transportation Deputy
- (ba) Traffic Deputy
- (bb) Worker's Compensation Coordinator
- (bc) Department Trainer/Instructor

#### 902.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) All areas of the previous yearly evaluation at, or above, minimum standards.
- (d) No disciplinary actions within the previous year.
- (e) Possession of or ability to obtain any certification required by POST or law
- (f) Exceptional skills, experience, or abilities related to the special assignment

#### 902.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates 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 skills
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to office goals and objectives in a positive manner

#### 902.4.3 SELECTION PROCESS

The selection process for special assignments is determined by the Sheriff and may, by way of example, include any of the following:

- (a) Submission of a memorandum of interest outlining qualifications, skills, experience, goals etc.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Special Assignments and Promotions*

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- (b) Each supervisor who has supervised, or otherwise been involved with the candidate, maybe asked to submit a recommendation.
- (c) Candidates may be interviewed by an individual supervisor, manager, executive, community member or combination thereof. The interviewer(s) will provide a recommendation to the Sheriff for consideration.
  - 1.
- (d) Candidates may be required to complete an examination, project, presentation, or exercise.
- (e) Candidates may be assigned by the Sheriff.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Sheriff.

## Grievance Procedure

### 903.1 PURPOSE AND SCOPE

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.

#### 903.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules 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.

### 903.2 PROCEDURE

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:
  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:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Grievance Procedure*

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- (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.

#### **903.3 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

#### **903.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration 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.

## Anti-Retaliation

### 904.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

### 904.2 POLICY

The Humboldt County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 904.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Anti-Retaliation*

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#### 904.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

A deputy shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy to a supervisor or other person in the Office who has the authority to investigate the violation (Government Code § 7286(b)).

#### 904.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Personnel Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

#### 904.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Anti-Retaliation*

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

#### **904.6 COMMAND STAFF RESPONSIBILITIES**

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **904.7 WHISTLE-BLOWING**

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Division for investigation pursuant to the Personnel Complaints Policy.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Anti-Retaliation*

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#### 904.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Office shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

#### **904.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **904.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Arrests, Convictions, and Court Orders

## 905.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Humboldt County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

## 905.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. 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 and retired deputies with identification cards issued by the Office are responsible for ensuring that they have not been disqualified from possessing firearms 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.

## 905.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member'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.

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, and shall be reported as provided in this policy.

## 905.4 REPORTING

All members and all retired deputies with an identification card issued by the Office shall immediately notify their supervisors (retired deputies should immediately notify the Watch Supervisor or the Sheriff) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Reporting of Arrests, Convictions, and Court Orders*

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All members and all retired deputies with an identification card issued by the Office shall further promptly notify their supervisors (retired deputies should immediately notify the Watch Supervisor or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is 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 the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

#### **905.4.1 NOTIFICATION REQUIREMENTS**

The Administration Division Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

#### **905.5 POLICY**

The Humboldt County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Office.

## Drug- and Alcohol-Free Workplace

### **906.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### **906.2 POLICY**

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### **906.3 GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### **906.3.1 USE OF MEDICATIONS**

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### **906.3.2 MEDICAL CANNABIS**

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### **906.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Drug- and Alcohol-Free Workplace*

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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).

#### **906.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the 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.

#### **906.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

#### **906.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.
- (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.

##### **906.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Drug- and Alcohol-Free Workplace*

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- (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.

#### 906.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **906.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **906.9 CONFIDENTIALITY**

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 907.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

### 907.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to provide eligible employees with a sick leave benefit.

### 907.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 907.3.1 NOTIFICATION

All members should notify the Watch Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 907.4 EXTENDED ABSENCE

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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Sick Leave*

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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.

#### **907.5 REQUIRED NOTICES**

The Personnel Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

#### **907.6 SUPERVISOR RESPONSIBILITIES**

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.

# Communicable Diseases

## 908.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

### 908.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Humboldt County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 908.2 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

### 908.2.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

### 908.2.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

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soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

#### 908.2.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

#### 908.2.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

#### 908.2.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

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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.

#### 908.2.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

#### 908.2.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

#### 908.2.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

#### 908.2.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

#### **908.3 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

##### **908.3.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

##### **908.3.2 SUPERVISOR REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

##### **908.3.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT**

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

#### **908.3.4 COUNSELING**

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

#### **908.3.5 CONFIDENTIALITY OF REPORTS**

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **908.4 SOURCE TESTING**

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

- (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 Humboldt County Sheriff's Office qualifies as a crime victim (Penal Code § 1524.1).

#### 908.4.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

#### 908.4.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

- (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 ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

#### **908.5 POLICY**

The Humboldt County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

#### **908.6 EXPOSURE CONTROL OFFICER**

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  - 2. Bloodborne pathogen mandates including (8 CCR 5193):
    - (a) Sharps injury log.
    - (b) Needleless systems and sharps injury protection.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

3. Airborne transmissible disease mandates including (8 CCR 5199):
    - (a) Engineering and work practice controls related to airborne transmissible diseases.
    - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
  4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
  5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
  6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other office members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Office website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

### **908.7 EXPOSURE PREVENTION AND MITIGATION**

#### **908.7.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 908.7.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

### **908.8 POST EXPOSURE**

#### 908.8.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

#### 908.8.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

#### 908.8.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 908.8.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

#### 908.8.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Communicable Diseases*

---

of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **908.9 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **908.10 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### 909.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Humboldt 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.

### 909.2 POLICY

The Humboldt 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).

### 909.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Humboldt 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.

### 909.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

#### 909.4.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

## Personnel Complaints

### 910.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Humboldt 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.

### 910.2 POLICY

The Humboldt 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.

### 910.3 PERSONNEL COMPLAINTS

Personnel complaints are specific allegations that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule, or which the complaining party appropriately requests informal resolution such as training or admonishment, may be handled informally by a supervisor and shall not be considered a personnel complaint.

#### 910.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 910.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

#### 910.4.1 COMPLAINT FORMS

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. Complaint forms will be provided upon request. Forms may also be available at other County facilities. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### 910.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Office (Penal Code § 832.7).

When available, complaints should be taken by the supervisor of the employee(s) that are the focus of the complaint. When this is not possible, the complaint should be taken by another supervisor, and forwarded to the appropriate supervisor in a timely manner in the SHIELD/LEFTA database.

#### 910.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

#### 910.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a deputy has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

### 910.5 DOCUMENTATION

Supervisors should insure that all complaints are documented on a complaint form, but if that is not possible, they should attach a complaint form to whatever documentation is submitted. The supervisor shall insure that the nature of the complaint is defined as clearly as possible. All complaints shall be entered into the Employee Conduct application in the SHIELD/LEFTA database as soon as possible.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

All complaints and inquiries that relate to child abuse or neglect issues shall be categorized as "CANRA" so that such complaints can be tracked to insure they are being addressed in accordance with Policy 920.

#### **910.6 PROCESSING COMPLAINTS**

##### **910.6.1 SUPERVISOR RESPONSIBILITIES**

Upon receipt of a complaint, supervisors shall assess the circumstances, and conduct a supervisory inquiry where and when appropriate to determine the severity of the allegation(s) and potential discipline. Supervisors should make every effort to provide outstanding service to the complainant.

In the event that the complaint can be handled at the supervisory level, the supervisor will document their inquiry and findings in SHIELD/LEFTA, and forward it to their Division Commander for approval. In these instances, the Division Commander will review, and if they agree with the findings, they shall document this in SHIELD/LEFTA, and will be responsible for sending an official letter to the complainant. No further forwarding of the complaint is required and the complaint can be closed in the SHIELD/LEFTA database.

In the event that there is a training issue, or a minor policy violation requiring verbal counseling or a written reprimand, the complaint will be escalated to the Sheriff, via chain of command, with each level documenting their review in the SHIELD/LEFTA database. The Undersheriff or Executive Secretary will prepare the formal letter, to be signed by the Sheriff, and mailed by the Executive Secretary.

In the event that the allegations are severe, and/or there is a high likelihood of serious discipline, liability, exposure to litigation, etc. the complaint will be escalated to the Sheriff via chain of command, in the SHIELD/LEFTA database, with all documentation attached. The Sheriff will decide a course of action for the complaint, which will either be pushing it back down to be handled at the Division Commander level, or assigned to be Administratively Investigated (Internal Affairs Investigation) by the Professional Standards Division. This decision and documentation will be forwarded down the chain of command, as appropriate, in the SHIELD/LEFTA database.

A supervisor or administrator who becomes aware of alleged misconduct shall take all reasonable steps to prevent aggravation of the situation.

It should be noted, that a complaint filed in the Employee Conduct application, within the SHIELD/LEFTA database, can be transferred internally to the Internal Affairs application by typing the report number in the box asking if it is the result of a complaint existing in the system.

##### **910.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES**

The following procedures apply to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303) and other members of this Office:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

- (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 Humboldt 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 the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

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).

#### 910.6.3 ADMINISTRATIVE INVESTIGATION PROCESS

**Investigator Duties-** The investigator is a finder of fact who should complete a thorough investigation. All relevant evidence should be included in the investigation. Evidence may include, but is not limited to, documents, statements, audio, video, and photographs. The investigator should organize the investigation into a memorandum addressed to the Sheriff, to be routed through the appropriate division Captain/Deputy Director, and Undersheriff. The report should be submitted in the SHIELD/LEFTA database and include the following components: Introduction, Synopsis, Allegations, Investigative Analysis, Conclusion, and Supporting Documents (contact the Professional Standard Division for examples and templates). The investigation should not include findings or recommendations. Upon completion, the investigation should be forwarded to the Captain or Deputy Director of the involved member.

At any point in the process, the Captain, Deputy Director, Undersheriff, or Sheriff may request follow up or clarification from the Investigator. Likewise, as deemed appropriate by the independent reviewer, additional allegations, as supported by the facts, may be added during the review process.

**Captain/Deputy Director Duties-** Upon receipt, the Captain or Deputy Director of the involved member should independently evaluate the allegations in light of the facts. The Captain or Deputy Director should write a memorandum to the Undersheriff documenting suggested findings as to each allegation (i.e. sustained, not sustained, exonerated, unfounded, or frivolous). Sustained findings are based on a preponderance of the evidence standard. The memorandum should factually justify each suggested finding. Upon completion, the Captain or Deputy Director should forward their memorandum, and the investigation, to the Undersheriff.

**Undersheriff Duties-** Upon receipt, the Undersheriff should independently evaluate the allegations in light of the facts. The Undersheriff should write a memorandum to the Sheriff documenting their suggested findings and, if appropriate, recommendations as to discipline. The Undersheriff may adopt, reject, or modify, the suggestions of the Captain or Deputy Director. The Undersheriff's memorandum should carefully consider the allegations, facts, and principles of progressive discipline, with ample factual support for the findings and any recommendations. Upon completion, the Undersheriff should forward their memorandum, and the investigation, to the Sheriff.

**Sheriff Duties-** Upon receipt, the Sheriff should independently evaluate the allegations in light of the facts. The Sheriff should write a memorandum to the file, and involved member, documenting the Sheriff's findings and, where appropriate, discipline. The Sheriff may adopt, reject, or modify, the suggestions of the Captain/Deputy Director, and/or Undersheriff. The Sheriff's memorandum should factually justify each finding and discipline imposed. The initial memorandum to the

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

involved member is pre-discipline and, where discipline is proposed, should outline the pre-discipline employee response rights available to the involved member. Upon waiver, or after exercise, of the procedural rights, the Sheriff should issue a second memorandum to the case file, and the involved member, imposing any final discipline.

#### **910.6.4 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response (commonly referred to as a *Skelly* hearing) to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The response is not intended to be an adversarial or formal hearing. Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses. 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 and 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. The Sheriff shall serve as the hearing officer.

#### **910.6.4 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

#### **910.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS**

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### **910.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct. Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment. Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

#### **910.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

#### **910.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor or administrator.
- (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.

#### **910.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency. A member accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Humboldt County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **910.10 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

#### **910.11 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, disciplinary transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules. In the event of punitive action against

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

#### **910.12 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will, probationary employees, and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy or other member subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

#### **910.13 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained for a minimum time period of five years. All sustained personnel Complaints and Sustained Internal Affairs complaints shall be maintained and stored in the employees personnel file for a minimum of 15 years. (Penal Code 832.5(b))

A record shall not be destroyed while a request related to that record is being processed or any process or litigation to determine whether the record is subject to release is ongoing. All complaints retained pursuant to this subdivision may be maintained either in the employees general personnel file or in a separate file designated by the Sheriff, in accordance with all applicable requirements of law.

#### **910.14 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

#### **910.15 REQUIRED REPORTING TO POST**

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Office and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect a deputy's POST certification, such as:
  - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
  - 2. Findings of civilian review boards.
  - 3. Final dispositions of any investigations.
  - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Humboldt County Sheriff's Office based on allegations of conduct by a deputy.

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

#### **910.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT**

The Sheriff or the authorized designee shall report allegations of serious misconduct by a deputy to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Office
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved deputy
- (e) A summary of the alleged misconduct including:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Complaints*

---

1. A narrative of the allegations
  2. Date and time of incidents
  3. Location of occurrence
  4. Any witness information, if available
  5. Summary of arrest or indictment of involved deputy
- (f) A change in employment status of the involved deputy (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the deputy's service record as provided by 11 CCR 1207.

#### 910.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
1. The Office shall provide the name of the body conducting the proceeding.
  2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
1. The name of the court having jurisdiction over the criminal charges against the deputy.
  2. The status of the criminal case, if known.

## Seat Belts

### 911.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Vehicle Code § 27315.5).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

#### 911.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 911.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 911.3 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 911.4 POLICY

It is the policy of the Humboldt 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.

### 911.5 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Seat Belts*

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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).

#### **911.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **911.7 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 912.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 912.2 POLICY

It is the policy of the Humboldt 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.

### 912.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Humboldt County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 912.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 912.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Body Armor*

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#### 912.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### **912.4 HEAD RANGEMASTER RESPONSIBILITIES**

The Head Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.



## Personnel Records

### 913.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 913.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 913.3 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Records*

---

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.

#### **913.4 WORKING FILE**

Working files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Working file may contain supervisor comments, notes, notices to correct, copies of formal complaints, disciplinary actions, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. The Working File is located in a secure filing cabinet in the Main Station Sergeant's Office.

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. Upon completion of the employee's annual evaluation, the materials in the Working File shall be removed and transferred to the Office File and copies provided to the employee.

#### **913.5 TRAINING FILE**

An individual training file shall be maintained by the Training Sergeant 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 (example: TIMS), either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

##### **913.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved deputy or written authorization of the Sheriff or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Records*

---

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)).

#### **913.6 INTERNAL AFFAIRS FILE**

Internal affairs files, to include those located in SHIELD/LEFTA, shall be maintained under the exclusive control of the Professional Standards Division in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Division manager.

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).

#### **913.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Records*

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- (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.

#### **913.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Administrative Officer, County Counsel or other attorneys or representatives of the County in connection with official business.

##### **913.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **913.8.2 RELEASE OF PERSONNEL INFORMATION**

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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Records*

---

The Office may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former deputy, as permitted by law (Penal Code § 832.7(b)(13)).

#### **913.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION**

Information relating to the termination of a deputy from this office for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

#### **913.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS**

Records relating to a deputy for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

#### **913.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS**

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.
- (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personnel Records*

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- (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.

#### **913.10 RETENTION AND PURGING**

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 relevance, 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.

## Commendations and Awards

### 914.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Humboldt County Sheriff's Office and individuals from the community.

### 914.2 POLICY

It is the policy of the Humboldt 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.

### 914.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

#### 914.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau, and assignment at the date and time of the commendation
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
- (c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Sheriff for his/her review.

The Sheriff will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

### 914.4 CRITERIA

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.

#### 914.4.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Commendations and Awards*

---

- (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.

#### 914.4.2 COMMUNITY MEMBER DOCUMENTATION

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.

#### 914.4.3 PROCESSING DOCUMENTATION

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 Administration 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 Administration 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.

#### **914.5 AWARDS**

Awards may be bestowed upon members of the Office and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Commendations and Awards*

---

- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Sheriff.

## Awards Program

### 915.1 PURPOSE AND SCOPE

The purpose of this Order is to establish a standard and system for recognizing gallant acts, good deeds, meritorious service, and outstanding performances by both the employees of this Office and the citizens we serve.

### 915.2 POLICY

It is the policy of this Office to give recognition to employees and citizens who distinguish themselves by heroic deeds and actions, by meritorious service, by attainment of certain qualifications and by completion of specialized service through a system of medals, ribbons, certificates or letters of commendation, and awards ceremonies.

#### 915.2.1 POLICY CONSIDERATIONS

- (a) Fundamentally, awards are for the purpose of recognizing and rewarding extraordinary, exceptionally meritorious, or conspicuously outstanding acts of heroism or service which are above and beyond that ordinarily expected, and which distinguish the individual among those performing similar acts or service.
- (b) The judicious use of awards is an effective means of fostering morale, incentive and esprit de corps. Full and appropriate recognition through awards provides tangible evidence of acts performed or valuable services rendered. Prompt recommendations and awards processing is essential, yet, standard of merit must be preserved. The immediate senior official of personnel in a particular mission or act should be alert to circumstances that deserve recognition. Action at this level will allow for more effective use of the awards system. The timely processing and presentation of awards is essential, as promptness will make the awards more meaningful to cited personnel.

### 915.3 PROCEDURE

#### 915.3.1 AUTHORITY TO ESTABLISH NEW AWARD

Only the Sheriff, or their designee, has authority to establish an award. Sheriff's Office members may submit suggestions for new awards to the Awards Recognition Committee. The Awards Recognition Committee shall review all suggestions and forward any it feels are appropriate to the Sheriff, or their designee, for final decision.

#### 915.3.2 AUTHORITY TO APPROVE

Only the Sheriff, or their designee, has authority to approve or deny an award.

The Sheriff may delegate award approval or denial authority to the Awards Recognition Committee for some awards.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

#### 915.3.3 DELEGATIONS OF AUTHORITY

The Sheriff, or their designee, retains final approval and denial authority for all awards listed as Decorations. The Awards Recognition Committee shall review all Decoration award documentation and make recommendations to the Sheriff for final decision.

The Sheriff, or their designee, has delegated final approval and denial authority to the Awards Recognition Committee for all awards other than those listed as Decorations.

#### 915.3.4 ELIGIBLE PERSONNEL

All Sheriff's Office members are eligible for awards consideration subject to each particular award criteria.

Citizens, personnel of other county departments, and other local, state and federal agencies are eligible for some specific Sheriff's Office awards subject to each awards criteria.

#### 915.3.5 RECOMMENDATION PROCEDURE

Any Sheriff's Office member may recommend an award be presented to another Sheriff's Office member, or may request an award for their self, by submitting a memorandum with the appropriate supporting documentation to the appropriate Bureau Co-Chair of the Awards Recognition Committee via their chain of command.

#### 915.3.6 PROCESSING PROCEDURE

All award recommendations shall be submitted to the appropriate Bureau Co-Chair of the Awards Recognition Committee who will present them to the Awards Recognition Committee.

The Co-Chair will, if needed, assign the responsibility for investigating the specifics of each award to a committee member. That member will research and report their findings to the Award Recognition Committee for final review and recommendation of the award disposition.

Should the investigating member require access to the employee's Sheriff's Office Personnel File, they shall obtain an approved "Request to View Employee's Personnel File" form signed by the member whose file they need to review. While accessing the member's file the investigating member shall only view those portions of the file containing the needed information to document the award request.

Any approved award shall be officially noted and a copy permanently included in the members Sheriff's Office Personnel File.

#### 915.3.7 PRESENTATION

Presentation of awards will be made as soon as is practical after approval and with ceremony appropriate to the nature of the award consistent with any special circumstances that may exist.

The Sheriff, or their designee, will, at a formal function appropriate to the occasion, personally award all Decorations.

Campaign, Achievement and Service Awards will be presented at least quarterly or more often as is appropriate. Suitable occasions may be Division or Unit briefings or other meetings. A

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

Lieutenant or higher-ranking member shall make the presentations. Whenever possible the Sheriff will present awards.

A Sheriff's Memorandum will be issued immediately after all awards ceremonies listing all recipients and their presented awards.

#### **915.4 WEARING OF MEDALS AND RIBBONS**

Sheriff's Office personnel will only wear those medals, ribbons and attachments to which they are entitled by authorization.

- (a) A decoration or medal is an award bestowed on an individual for a specific act or acts of gallantry or meritorious service. Decorations take precedence over all other award classes and are worn in established order.
- (b) Ribbons are mandatory with the Class "A" uniforms.
- (c) Medals or Decorations will only be worn on the Ceremonial/Class "A" uniform (parade, funeral/special details) at the direction of the Sheriff.
  - 1. The Medal of Valor shall be worn around the neck.
  - 2. The rest of the Sheriff's Office medals shall be worn centered over the top row of ribbons with the medal close to, but not touching the ribbons.
- (d) Ribbons will always be placed on the wearer's right, with the bottom row resting on but not over the top edge of the right pocket. The ribbons will be worn in rows of three (3). The ribbons will be centered between the right pocket edges (left and right). Additional rows of ribbons containing, less than three (3) will be centered over the row immediately below. The ribbon with the highest precedence will be placed farthest from the lapel on the top row. Other ribbons will follow in the proper order of precedence, from right to left.
- (e) The following is the proper order in which the recognition ribbons will be worn:
  - 1. Medal of Valor
  - 2. Sheriff's Star
  - 3. Sheriff's Distinguished Service
  - 4. Sheriff's Meritorious Service
  - 5. Life Saving
  - 6. Purple Heart
  - 7. Campaign Ribbons will be the next highest awards, and shall be worn in the order they were received.
  - 8. Achievements Ribbons will be the third highest award, and shall be worn in the order they were received.
  - 9. The fourth highest award will be the Service Ribbons, and shall be worn in the order they were received.
- (f) Attachments:

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

1. The only attachment authorized for awards is the 5/16" star signifying a subsequent qualification or issuance of the same award subject to each particular awards criterion.
2. One gold star shall be worn on the ribbon to denote each subsequent qualification or issuance of the same award. One Silver Star shall be worn in lieu of five gold stars. A maximum of four stars may be worn on any one ribbon.

#### **915.5 DESCRIPTION OF CRITERIA**

##### **915.5.1 MEDAL OF VALOR**

The Humboldt County Sheriff's Office Medal of Valor is awarded to members of this Office who, while serving in an official capacity, distinguish themselves conspicuously by heroic action above and beyond the call of duty. Each recommendation for the Medal of Valor is based upon the following:

- (a) The situation was extremely hazardous
- (b) A strong possibility existed at the time the Deputy acted that they could have suffered serious injury or death
- (c) The act was not foolhardy
- (d) The Deputy did not use poor judgment or procedures, thus creating the necessity for their act
- (e) The fact that they then performed valorously shall not in itself merit the Award for Valor

##### **915.5.2 SHERIFF'S STAR**

The Sheriff's Star may be awarded to:

- (a) Employees who distinguish themselves by bravery above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor
- (b) Employees who distinguish themselves by performing in stressful situations with exceptional tactics and/or judgment

##### **915.5.3 SHERIFF'S DISTINGUISHED SERVICE MEDAL**

The Sheriff's Distinguished Service Medal is the Sheriff's Office's highest award for service and may be awarded to employees who distinguish themselves by performing exceptional service in a duty of great responsibility or of critical importance to law enforcement.

##### **915.5.4 SHERIFF'S MERITORIOUS SERVICE MEDAL**

The Sheriff's Meritorious Service Medal may be awarded to employees who perform meritorious service similar to, but to a lesser degree than required for the Sheriff's Distinguished Service Medal.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

#### 915.5.5 CITIZEN'S DISTINGUISHED SERVICE MEDAL

The Citizen's Distinguished Service Medal may be awarded to citizens, employees of other County Departments and members of other local, state or federal agencies who distinguish themselves by performing exceptional service to this office, or by performing in a stressful emergency situation with good judgment and bravery. Non-sworn employees who distinguish themselves by performing exceptional service to this office may be awarded this medal.

#### 915.5.6 LIFE SAVING MEDAL

The Life Saving Medal may be awarded to employees and to citizens and employees of other County Departments or other agencies who, in conjunction with a mission of our agency, saves someone from an immediate life threatening situation.

- (a) The situation must be such that had the member or citizen did not act a life would be lost
- (b) Routine emergency call will not suffice to obtain this award (i.e., first aid calls, basic triage, etc.)
- (c) First aid or a rescue attempt must be rendered to the victim

#### 915.5.7 PURPLE HEART MEDAL

A Deputy who sustains a major injury while engaged in the performance of their duties may be eligible for a Purple Heart if:

- (a) The Deputy's injury is of a substantial nature
- (b) The Deputy requires immediate medical attention.

### **915.6 CAMPAIGN RIBBONS**

Any major incident, crisis, or operation in which the Sheriff's Office participates may be designated for a Campaign Ribbon.

- (a) Any Deputy participating in the operation will be eligible for the Campaign ribbon
- (b) The Sheriff will designate if an incident or operation merits a campaign ribbon

### **915.7 ACHIEVEMENT RIBBONS**

#### 915.7.1 SAFE DRIVING RIBBON (ITEM #3005)

- (a) A Deputy will be eligible when they achieve five (5) years without being involved in a traffic accident in a County vehicle.
- (b) The Deputy is involved in a traffic accident, but they are not found to be the cause or contributing factor of the traffic accident.
- (c) The Deputy has satisfactory ratings in regards to their driving ability on their performance evaluations within a period of five (5) years.
- (d) For each additional five (5) year period that these criteria are met, gold stars will be attached to the ribbon.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

#### 915.7.2 PERFECT ATTENDANCE RIBBON (ITEM #3009)

A Deputy will be eligible when they achieve five (5) years with no sick leave used, and no extended absences from work.

For each additional five (5) years with no sick leave used, a gold star will be added to the ribbon.

#### 915.7.3 EDUCATIONAL ACHIEVEMENT RIBBON (ITEM #3519)

A Deputy will be eligible when they receive a baccalaureate degree from an accredited college or university.

Gold star will be added to the ribbon when a Masters Degree is obtained.

#### 915.7.4 SUPERVISORY CERTIFICATE RIBBON (ITEM #3707)

A sworn employee will be eligible for this ribbon when they receive a POST Supervisory Certificate or equivalent STC Certification, promoted to the rank of Sergeant or Supervising Correctional Deputy and successfully completed a probationary period.

Gold stars will be added to the ribbon when Managerial and Executive Certificates are received.

#### 915.7.5 EMERGENCY MEDICAL TECHNICIAN RIBBON (ITEM #3401)

A Deputy will be eligible for this ribbon when they satisfactorily complete a certified Emergency Medical Technician (EMT) course.

A gold star will be added to the ribbon upon completion of an Emergency Medical Technician II (EMT-11) course.

#### 915.7.6 HUMBOLDT COUNTY SHERIFF'S OFFICE RIBBON (ITEM #5204)

All full-time members this Office will be awarded a Sheriff's Office Ribbon upon successful completion of his/her probationary period. No subsequent award is authorized.

#### 915.7.7 COMMUNITY SERVICE RIBBON (ITEM #4019)

This ribbon is awarded to any member of this Office who devotes an extraordinary amount of non-compensated time and energy to developing positive community relations between the Sheriff's Office and citizens.

- (a) Activity must be self-initiated
- (b) Service hours be for a minimum of 50 hours or five years of established service as verified by accredited, recognizable community organizations such as churches, charitable organizations, schools, youth groups, sport groups, etc.
- (c) Community service shall benefit the community
- (d) No subsequent award is authorized

#### 915.7.8 MILITARY SERVICE RIBBON (ITEM #4026)

A Deputy will be awarded the Military Service Ribbon if they have served honorably in one of the armed services. Eligible service must be verified by submission of an active duty or reserve Honorable Discharge or Retirement Certificate. Only one award is authorized.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

#### 930.7.9 SHERIFF'S FITNESS CHALLENGE

The requirements for this ribbon are as follows:

- (a) Must participate three times a week in a fitness or wellness program.
- (b) Make a pledge to eat healthier.
- (c) Participate in six public fitness events (fun runs, bicycle races, CrossFit Games, etc.)

#### 915.7.9 SHERMAN BLOCK LEADERSHIP INSTITUTE (SLI) RIBBON

A Deputy will be eligible for this ribbon, when they successfully complete and graduate from the Sherman Block Leadership Institute (SLI) Course.

### **915.8 SERVICE RIBBONS**

A Service Ribbon is awarded to an individual to denote the credible fulfillment of service for Sheriff's Office specialized positions. Service awards take precedence immediately after achievement awards. All Service Ribbons shall be worn in the order received. Service Ribbons will be awarded to officers of this Office when such officers meet certain criteria set forth in this section.

- (a) When a Deputy completes 24 months of their tour of duty in a specialized assignment, they will be eligible for the appropriate Service Ribbon. A tour of duty is defined as one continuous period of assignment and must be for a period of at least 24 continuous months. Each tour will qualify for only one award regardless of the length of the tour. In special circumstances of leaving a position early and in good standing, the Sheriff retains the right to approve issuance of this ribbon.
  - 1. Deputies in specialized positions must perform in a satisfactory manner before being eligible for a Service Ribbon. Deputies must achieve a minimum rating of "Meets Standard" (3 or better) in Section 17 or the Performance Appraisal Report
  - 2. If a Deputy does more than one tour of duty in a specialized position, they will receive a gold star for each additional tour, which will be attached to his Service Ribbon
  - 3. The following specialized assignments will be recognized for Service Ribbons:
    - (a) K-9 (Item #4003)
    - (b) SWAT/SERT (Item #4025)
    - (c) Crisis Negotiation Team
    - (d) FTO (Item#3410)
    - (e) Instructors (Item #4022)
    - (f) Resident, Substation: Hoopa/Garberville (Item #3723)
    - (g) Major Crimes (Item #3610)
    - (h) Special Operations (Item #3512)
    - (i) Boat Safety/Livestock/Hill Patrol/Beach Patrol



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

- (j) Identification
  - (k) Arson Task Force
  - (l) Marijuana Enforcement Team/ Humboldt County Drug Task Force
  - (m) Background Investigation
  - (n) Transportation Officer
  - (o) Classification Officer
  - (p) SWAP/CalTrans Officer
  - (q) Public Information Officer (Item#3016)
  - (r) Chaplain (Item#3509)
  - (s) Court Protection Unit
  - (t) Jail Based Competency Treatment Unit
  - (u) Jail Compliance Officer
  - (v) Drone Operator
- (b) All initial ribbons for Class "A" uniform wear will be furnished by this Office and may be replaced for normal wear and tear at Sheriff's Office expense. Any ribbons worn on other than the Class "A" uniform shall be purchased by the individual member and replaced as necessary at the individual member's expense.

#### **915.9 RECOGNITION COMMITTEE STRUCTURE AND REQUIREMENTS**

The Recognition Committee shall consist of the following:

- (a) One OSB Lieutenant
  - (b) One CSB Lieutenant
  - (c) One OSB Supervisor
  - (d) One CSB Supervisor
  - (e) One OSB Deputy
  - (f) One CSB Deputy
  - (g) Two non-sworn employees from any Bureau of the Office
1. Each member of the Committee will have an equal vote in deciding on recognition and awards, with the exception of the Lieutenants who will not vote, but will serve only as Chairpersons and the representatives of management for the purposes of facilitating fair and impartial proceedings for all applications.
  2. The Awards Recognition Committee will keep a written record of all meetings, and will meet as necessary to review requests for awards.
  3. Each Committee member may be required to act as an investigating officer, and will be assigned by an Awards Recognition Committee Chairperson, as they deem necessary.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Awards Program*

---

4. The Committee Chairpersons will be selected by the Sheriff, or their designee, and will remain in that position until relieved.
5. Awards Recognition Committee members shall be selected by the appropriate administrative staff, and shall serve at the will of the Sheriff or their designee. No more than half of the current committee members may be replaced during any 12-month period to maintain the continuity of the process. Member participation and longevity will be assessed on a yearly basis, based on totality of the circumstances.
6. In order for the Awards Recognition Committee to recommend an award or a commendation, they must come to a majority vote.
7. The Executive Secretary will serve as secretary to the Awards Recognition Committee, and will maintain all of the records for this Committee.
8. At least five (5) voting members of the committee plus the chairperson must be present for a quorum.

## Fitness for Duty

### 916.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

### 916.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 916.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Supervisor or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Fitness for Duty*

---

#### **916.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

#### **916.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Supervisor or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **916.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. 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)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist 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

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Fitness for Duty*

---

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.

#### **916.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **916.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

## Meal Periods and Breaks

### 917.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Administrative Officer.

#### 917.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic deputies shall request clearance from the Communications Center 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.

#### 917.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

## Lactation Breaks

### **918.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

### **918.2 POLICY**

It is the policy of the Humboldt County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

### **918.3 LACTATION BREAK TIME**

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the dispatcher 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.

### **918.4 PRIVATE LOCATION**

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Lactation Breaks*

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

#### **918.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

##### **918.5.1 STATE REQUIREMENTS**

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).



## Payroll Records

### **919.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

### **919.2 POLICY**

The Humboldt County Sheriff's Office maintains timely and accurate payroll records.

### **919.3 RESPONSIBILITIES**

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.

### **919.4 TIME REQUIREMENTS**

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the County payroll procedures.

### **919.5 RECORDS**

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Overtime Compensation Requests

### 920.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 920.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All 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.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

### 920.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

#### 920.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Supervisor. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Supervisor the first day after returning for work.

#### 920.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Overtime Compensation Requests

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#### 920.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Sheriff for review.

#### **920.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

##### 920.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

| <u>TIME WORKED</u> | <u>INDICATE ON CARD</u> |
|--------------------|-------------------------|
| 1 to 15 minutes    | .25                     |
| 16 to 30 minutes   | .50                     |
| 31 to 45 minutes   | .75                     |
| 46 to 60 minutes   | 1 hour                  |

##### 920.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Watch Supervisor or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## Outside Employment

### 921.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

#### 921.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

### 921.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new 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)).

#### 921.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Outside Employment*

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#### 921.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

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

#### 921.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

#### 921.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Outside Employment*

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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.

#### **921.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE**

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### **921.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

#### **921.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Outside Employment*

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records or databases of this department or other agencies through the use of the employee's position with this department.

#### **921.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

#### **921.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

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.

#### **921.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Outside Employment*

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- (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 Humboldt County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.



# Occupational Disease and Work-Related Injury Reporting

## 922.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

### 922.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 922.2 POLICY

The Humboldt 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.).

## 922.3 RESPONSIBILITIES

### 922.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

### 922.3.2 SUPERVISOR RESPONSIBILITIES

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.

### 922.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administration Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Occupational Disease and Work-Related Injury Reporting*

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#### **922.3.4 SHERIFF RESPONSIBILITIES**

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

#### **922.4 OTHER DISEASE OR INJURY**

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 Administration 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.

#### **922.5 ABSENCE DUE TO WORK RELATED INJURY OR ILLNESS**

If employee is unable to perform their full duties after seeking medical treatment, then the County is willing and able to accommodate their limitations. To accommodate the employee's limitations, the treating physician needs to indicate what the limitations are in writing. The department will attempt to accommodate the employee in their current position for two to three weeks by modifying their current job tasks. However, if the employee is unable to perform their regular job tasks, then the County will accommodate them in a Bridge Assignment.

#### **922.6 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

##### **922.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personal Appearance Standards

### 923.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees, both sworn and non-sworn, shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment. Civilian staff may elect to wear business attire or Sheriff polo shirt of the appropriate color for their position.

**Appropriate color and attire for civilian staff when wearing the issued Sheriff polo shirt is as follows:**

1. All non-sworn staff polo shirts will be Maroon in color, Evidence Tech will wear Grey polo shirts. Managers and Supervisors will wear Black polo shirts.
2. All staff will have their first initial and last name on their shirts and name tags.
3. Jackets with the star and name will be in a dark/heather Grey.
4. Supervisors and Managers will have their title added. For simplicity and consistency it will say "Manager" or "Supervisor".

Employees may purchase the department approved jacket, 1/4 zip sweatshirt, or additional shirts at their own expense. The Sheriff polo shirts, 1/4 zip sweatshirt, and jacket may only be purchased at Sheriff approved vendors who have permission to use the Sheriff star logo.

**The following positions should refer to their division dress code policy:**

1. Animal Shelter Care Attendant I/II
2. Correctional Cook
3. Food Services Supervisor
4. Kitchen/Laundry Supervisor
5. Correctional work crew leader
6. Dispatch

### **Civilian Attire Standards:**

Civilian staff may choose to wear the civilian uniform (polo shirt) or appropriate business attire for any work shift as described below.

### **Civilian Uniform:**

1. **Tops:** Sheriff long or short-sleeve polo shirts. No long-sleeve undershirts may be worn with the short-sleeve polo shirt.
2. **Bottoms:** Any color slacks, khakis, capris, skirts or jeans. Skirts must be no shorter than 2 inches above the knee. Jeans may not be acid washed or have any fashion fraying, rhinestones or holes. No leggings, spandex or shorts.
3. **Shoes:** Closed toed shoes or dress boots. No tennis shoes, hiking boots, open toed sandals or flip flops.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Appearance Standards*

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4. **Outer Garments:** If the employee opts to wear jeans and the Sheriff issued polo shirt, you may only cover up the approved polo shirt with the approved jacket or 1/4 zip sweatshirt that has the star and name embroidered on it. You may not cover up the polo shirt with another jacket and name tag. Open front cardigans or sweaters are acceptable as long as the star and name on the polo shirt are still visible. If the employee opts to wear nice slacks or khakis with your Sheriff issued polo shirt then you may cover up the polo shirt with a zip up sweater or jacket as long as you wear the approved name tag.

#### **Business Attire:**

#### **A Sheriff issued name tag must be worn and visible when wearing business attire.**

1. **Tops:** Tops, blouses, button up or collared shirts that are considered professional in appearance. No sleeveless shirts or tank tops unless worn with a zip up, button up, or open front jacket, sweater or cardigan. No t-shirts with graphics or slogans.
2. **Bottoms:** Any color slacks, khakis, capris or skirts. No jeans, leggings or shorts. Skirts must not be shorter than two inches above the knee.
3. **Dresses:** Dresses should be professional in appearance. No sleeveless or tank top style dresses unless worn with a zip up, button up, or open front jacket, sweater, or cardigan. Dresses must not be shorter than two inches above the knee.
4. **Shoes:** Closed toed shoes or dress boots. No tennis shoes, hiking boots, open toed sandals or flip flops.
5. **Outer Garments:** Zip up, button up, or open front jackets, sweaters, or cardigans. Pull over sweaters that are professional in appearance or the approved jacket/1/4 zip sweatshirt may be worn.

Exceptions to the civilian dress code policy due to the nature of the work being performed will be considered and must be approved by the division manager.

At no point shall civilian staff wear any Sheriff insignia clothing besides the polo and approved civilian jacket off duty.

### **923.2 GROOMING STANDARDS**

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

#### **923.2.1 HAIR**

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail. Hair may only be of a natural color no unnatural colors are authorized without the permission of the Sheriff or their designee.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Appearance Standards*

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Civilian staff hairstyles must be professional in appearance and approved by their immediate supervisor.

#### **923.2.2 MUSTACHES**

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### **923.2.3 SIDEBURNS**

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### **923.2.4 FACIAL HAIR**

Deputies shall not wear facial hair other than sideburns and mustaches unless authorized by the Sheriff or his or her designee.

Civilian staff may wear a beard as long as it is neatly trimmed and approved by their immediate supervisor.

#### **923.2.5 FINGERNAILS**

For all staff fingernails shall not extend beyond 1/4 inch of the tip of the finger and any polish or decorations must be approved by their immediate supervisor.

Deputies fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others, therefore they are encouraged, not required, to keep them trimmed so that no point of the nail extends beyond the tip of the finger.

#### **923.2.6 JEWELRY AND ACCESSORIES**

Appropriate jewelry may be displayed. Employees must convey professionalism. Inappropriate jewelry includes, but is not limited to, that which may impair officer safety, is derogatory, sexual, or otherwise offensive in nature. For safety purposes, earrings are limited to one post earring per ear with no dangling earrings. Employees are urged to use sound judgment and decision making when considering their appearance and appropriateness of their jewelry. The Sheriff, or designee, may require an employee to remove, cover, or otherwise not display jewelry at any time because it is deemed inappropriate.

For civilian staff, they may wear jewelry as long as it appears appropriately professional and is approved by their immediate supervisor. Additionally, civilian staff are authorized to wear one post nose piercing in one nostril of their choosing.

### **923.3 TATTOOS**

Appropriate tattoos may be displayed, though not on the head, face, or neck. Employees must convey professionalism. Inappropriate tattoos include, but are not limited to, tattoos that may impair officer safety, are derogatory, sexual, or otherwise offensive in nature. Employees are urged to use sound judgment and decision making when considering their appearance and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Personal Appearance Standards*

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appropriateness of their body art. The Sheriff, or designee, may require an employee to cover a visible tattoo at any time because it is deemed inappropriate.

#### **923.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

## Uniform Regulations

### 924.1 PURPOSE AND SCOPE

The Humboldt County Sheriff's Office uniform policy ensures 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, and Personal Appearance Standards.

The Humboldt 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.

Unless specifically authorized by the Sheriff, Humboldt 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 Humboldt 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.

### 924.2 UNIFORM COMMITTEE

The Uniform Committee will consist of the following members:

- 1) One Captain or Lieutenant
- 2) One Operations Sergeant
- 3) One Correctional Supervisor
- 4) One Operations Deputy
- 5) One Correctional Deputy

The Captain/Lieutenant will serve as the chairperson for the committee. The Captain/Lieutenant will be designated as the recipient of all issues related to uniform wear by member of the HCSO. This would include, but not be limited to, suggestions to new uniform items, changes to existing uniforms, modifications to insignia, complaint of poor design, color changes or any other modifications to existing uniform standards.

The Captain/Lieutenant will schedule meetings as any issue or request arises. Committee members will prepare a written memorandum to the Sheriff with any suggestions or input for any request to modify the uniform policy. The Sheriff will have ultimate authority on any changes to

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

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existing uniform policy and will respond to the uniform committee with an approval or denial of any requested changes.

Members of the committee will stay in service based on the needs of the office and direction of the Sheriff. Any vacancies shall be advertised to all eligible personnel and decided based on a vote from the committee and approved by the Sheriff.

#### **924.3 UNIFORM JACKETS**

The following specifications apply to uniform jackets:

##### **924.3.1 JACKET, WOOL, POLYESTER, CLASS A - DRESS UNIFORM**

###### **A. STYLE:**

1. "Eisenhower" style semi-dress, made with coat sleeves. Front to be fastened with a Talon #5 zipper, brass finish, from the bottom of the jacket, vertically to the base of the lapels. To have a 2-piece back with center seam extending from the bottom of the collar to the bottom of the jacket, with 1 1/2 inch outlets. To have golf pleats at the sides of the back, extending from the shoulder seam to the top of the belt at the back of the jacket. Golf pleats to be stitched closed the first 3 inches below the shoulder seam. To have adjustment straps with one 24-ligne Departmental button on each side at the side seams. To have a half-belt stitched down in back at the approximate waistline. Dry clean only.
2. Jacket to be fitted so as to be worn loosely and straight down over the modified Sam Browne belt and accouterments. Length to vary in accordance with the individual, but in all cases to fall to the top of the hip pockets. Bottom to be made with a 4-inch bottom turn-up, with lining sewn to the top of the turn-up and not to include a separate waistband.
3. To have badge tab of same material with metal eyelets and centered approximately 1 inch above left pocket. Two box-pleated breast pockets with Velcro at the edges of the flaps. Shoulder straps and pocket flaps to have Eureka buttons.
4. Must be CDC approved

###### **B. COLOR**

1. O.D. Green

###### **C. POCKETS**

1. Two outside breast pockets properly stayed with box pleats 6 1/4 inches deep. Bottoms slightly rounded. Each breast pocket to have a three-pointed flap finished 6 inches wide, 2 1/4 inches deep on the sides and center, and 2 1/8 inches deep at the hollows. Pockets to be stitched so that they may not be used by stitching the tops, underneath the flaps. Each flap to have a button hole and correspondingly placed 24-ligne Departmental buttons. Both flaps to be stitched down, leaving bottom of flaps open for the attaching of medals. There are to be 3 inside pockets: 1 horizontal type in the right facing, 1 vertical type in the left facing, and 1 pencil pocket placed in the left facing above the vertical pocket.



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Uniform Regulations

---

#### D. **SHOULDER STRAPS**

1. Jacket to be finished with pointed shoulder straps, 1 1/2 inch wide at the collar and long enough to extend and be tacked down under the collar. There is to be a button hole running perpendicular to the collar, centered in the open end of the flap and a correspondingly placed 24-ligne Departmental button so placed that the button comes flush up to the edge of the collar. Strap to be of 2 thickness of the same material as the jacket and have 2 rows of stitching all around, 1/4 inch apart at the edges, and to be stayed across 2 inches above the shoulder seam.

#### E. **SLEEVES**

1. Plain, with regular turn-up, without cuffs or buttons. To have the Departmental stripe sewn on both sleeves, 3 inches from the bottom of sleeve and extending halfway around the sleeves from seam to seam, and set into the seam at both sides.

### 924.3.2 JACKET, CLASS B AND C - DUTY UNIFORM

#### A. **DESIGN**

1. The jacket, as authorized by the Sheriff, shall be of a waterproof breathable design, fully cut, with zippered front, double storm flaps, zip out liner, with optional hidden roll up drawstring hood in the collar, one piece sleeves, patch pockets, and front and back yokes. The sleeves shall have a tab with hook and loop closure for adjusting the wrist openings. The pockets shall have a side hand access. The pocket flap shall close with hook and loop tape. Fronts will be interlined and completely finished with no raw edges. The collar, may contain an optional hood, shall be closed via hook and loop tape. The jacket shall have side vent openings, back with shirred elastic waistband, inside hanging zipper pocket on left breast, permanent Gore-Tex type lining throughout the body and sleeves, and zip out removable Thinsulate type body lining. The sleeve cuffs, pocket flaps, and front storm flaps shall be interlined. The Jacket shall be washable and dry cleanable.
2. Any buttons on the jacket pockets will be gold in color with the "S". The cloth badge, as issued by this Department, may be sewn on the yoke of the jacket, centered 4 inches above the bottom edge of the yoke on the left breast side. Sheriff's Office shoulder patches will be worn as outlined in this policy on each sleeve. A Sheriff's Office issued cloth nametag may be sewn on above the right pocket, in lieu of wearing the issued nameplate, on the Class B and C jacket.

#### B. **COLOR**

1. Black

### 924.3.3 JACKET, LIGHTWEIGHT RAID - SPECIAL DUTY

- A. A lightweight raid jacket may be worn for special duty and undercover assignments at the direction of the Division Commander or Watch Commander. The jacket shall be black in color. It shall have free moving raglan shoulder; front and back yoke design, stand-up collar with knit top piece, zipper front with durable, smooth sliding zipper and

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

two front angled slash pockets with zipper closures. Back and front pull-downs, which secure under the yokes with silk-screened lettering reading **SHERIFF** on the back and right front panel. The left front pull down panel will have a badge tab.

#### **924.4 INSIGNIA AND PATCHES**

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) **The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform.** The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**
- (e) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate.
- (g) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

#### **924.4.1 SHIRT, LONG-SLEEVED, CLASS A - DRESS UNIFORM**

##### **A. FABRIC**

- 1. All synthetic tropical weave, 65% Dacron Polyester, 35% Avril Rayon

##### **B. STYLE**

- 1. Plain front coat style, form fitting, collar attached. Two plain breast pockets with scalloped flaps & Velcro closures, Cross-stitched shoulder straps, barrel cuffs matching inside yoke and collar band of high-luster Dacron/cotton poplin, metal eyelet badge holder.

##### **C. BRAND**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

- 1. Flying Cross or Elbeco
- D. COLOR
  - 1. Silver-Tan
- E. A tie worn with the long-sleeve shirt will be black in color and worn with a silver tie bar for line staff and a gold tie bar for Sergeant and above.

#### 924.4.2 SHIRT, LONG-SLEEVED/SHORT-SLEEVED, CLASS B AND C - DUTY UNIFORM

- A. FABRIC
  - 1. Content: All synthetic weave
- B. STYLE
  - 1. Plain front coat style, form fitting, collar attached. Two plain breast pockets with scalloped flaps & Velcro closures, Cross-stitched shoulder straps, barrel cuffs matching inside yoke and collar band of high-luster Dacron/cotton poplin, metal eyelet badge holder.
- C. BRAND Flying Cross, Elbeco, or 5.11.
- D. COLOR
  - 1. Silver-Tan

**A black crew neck t-shirt shall be worn underneath the uniform shirt for class A, B and C and all special duty uniforms. The black t-shirt shall be worn regardless of watch assignment.**

#### 924.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals or thongs
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

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 Humboldt County Sheriff's Office or the morale of the employees.

#### **924.6 TROUSERS**

##### **924.6.1 TROUSERS, CLASS B - DUTY UNIFORM**

- A. FABRIC
  1. Wool or Polyester blend
- B. STYLE
  1. The trousers shall be made using a uniform pattern
  2. They shall be plain front with quarter top front pockets, 1 watch pocket, and 2 back pockets
  3. Sap pockets are optional
- C. COLOR
  1. Forest Green
- D. POCKETS
  1. Front pockets shall have a minimum opening of 6 inches and shall be 6 inches deep from the bottom of the opening. They shall be stitched, turned and re-stitched. The back pockets shall have a minimum opening of 6 inches and shall be 6 inches deep. The left back pocket shall have a tab to button. The watch pocket shall have a minimum opening of 3 inches and shall be 3 inches deep. It shall be located approximately 3 1/2 inches to the front of the right side seam at the waistband. For added strength, the front pockets and watch pocket shall have a straight bar tack and the back pockets shall be bar tacked using a triangular bar tack machine. May have 2 club pockets approximately 4 inches below the hip pockets, directly below the outside edge of the hip pocket, 1 1/2 inches to rear of the outside leg seam and to have a minimum depth of 8 inches.
- E. WAISTBAND
  1. THE WAISTBAND SHALL BE 2 INCHES
- F. BRAND
  1. Flying Cross, Elbeco, or 5.11.

##### **924.6.2 TROUSERS, CLASS B AND CLASS C WITH SIDE POCKETS, FIELD DUTY UNIFORM**

- A. BRAND

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. Blauer
2. 5.11
3. Elbeco

#### B. STYLE

1. These authorized pants will have two (2) side pockets with flap tops in front of hidden zipper pocket. They will be made of 65/35 cotton blend fabric with a liquid repellent finish.

#### C. COLOR

1. O.D. Green
2. TDU Green

#### 924.6.3 TROUSERS, WOOL, CLASS A -DRESS UNIFORM

##### A. FABRIC

1. All wool

##### B. COLOR

1. O.D. Green

#### 924.6.4 TROUSERS, POLYESTER, CLASS A- DRESS UNIFORM

##### A. FABRIC

1. Polyester blend

##### B. COLOR

1. O.D. Green

##### C. BASIC DESIGN

1. Shall be manufactured from up-to-date patterns and designed so that there will be no "peg" at the hip, or baggy seat. The front will be plain (no pleats) with side pockets and two hip pockets.

#### **924.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

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 (see the Department Owned and Personal Property Policy).

#### **924.7.1 CLASS C SPECIAL FIELD/CORRECTIONS DUTY UNIFORM**

- A. The Class C Special Duty uniform, as approved by the Sheriff, may be worn for duty use by Special Services Deputies, Correctional Deputies, both working in the facility and outside the facility assignments, Animal Control Officers and with the permission of a Division Commander by those deputies who are assigned temporary duties that make the wearing of the Class C uniform practical.
- B. When wearing the Class C Special Duty uniform Sheriff's Office shoulder patches as outlined in the policy will be worn on the uniform shirt. In addition the cloth badge provided by the Sheriff's Office will be sewn on the uniform shirt, centered 1 inch above the top seam of the left breast pocket. The authorized cloth name tape provided by the Sheriff's Office will be sewn on the shirt, centered directly above the right breast pocket, with the bottom edge touching the top edge of the pocket. The following clothing and uniform items will also be worn as part of the Class C Uniform: approved footwear, approved personal equipment, duty belt and firearm as required, appropriate rank insignia, authorized specialty insignia.

#### **924.7.2 CLASS D - SPECIAL UNIT DUTY UNIFORMS**

- A. Specialty units of the Sheriff's Office, such as, Marijuana Enforcement Team (MET), Crisis Negotiations Team (CNT), Special Weapons and Tactics (SWAT) Team, Sheriff's Emergency Response Team (SERT), Sheriff's Work Alternative Program (SWAP), Bicycle Patrol, Training Staff and School Resource Officer (SRO) may wear alternate special uniforms and carry special equipment as authorized by the Sheriff.
- B. Sheriff's Work Alternative Program (SWAP) will be authorized the following uniform for field duty assignments:
  1. T-shirt and/or sweatshirt, black in color, clearly marked with gold lettering.
  2. Pants are authorized to be BDU style, constructed of a wear resistant material, OD green in color.
  3. Boots will be of an approved work variety.
  4. Specific brands for this uniform will ultimately be approved by the Division Commander overseeing the SWAP program.

### **924.8 UNIFORM HATS AND ACCESSORIES**

#### **924.8.1 HAT, CLASS A AND B - DRESS AND DUTY UNIFORM**

- A. **STYLE**
  1. **CAMPAIGN WITH TRADITIOAL FOUR DENT**
- B. **COLOR**

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

- 1. O.D. Green
- C. MATERIAL
  - 1. Wool Felt Triple
- D. DIMENSIONS
  - 1. Crown: 6 inches
  - 2. Brim: 3 inches
- E. BADGE POST
  - 1. WHEN WORN, THE SHERIFF'S METAL CAP
- F. ACORNS
  - 1. Deputies - Silver
  - 2. Sergeants/Administrators - Gold
- G. No attempt will be made to change the style of the brim or crown of the hat.

#### 924.8.2 CAP, CLASS B AND C; FOR OUTSIDE FIELD DUTY USE

- A. STYLE
  - 1. Baseball style
- B. COLOR
  - 1. OD green with Sheriff's cloth badge sewn in the center of the panels
- C. BILL
  - 1. To be 7 inches at widest point, and 3 inches from center to farthest edge, with 4 rows of reinforcement stitches.
- D. CROWN
  - 1. To be reinforced so as to stand up. To be least 2 inches from bill to point where configuration curves to extend to top center button. Front two panels of solid fabric
- E. MAKE/MODEL
  - 1. First Tactical V2 uniform hat
- F. FABRIC
  - 1. 6.2 oz 65% polyester, 35% cotton micro-ripstop fabric
  - 2. Structured 6 panel
  - 3. Adjustable hook and loop closure
- G. MAKE/MODEL
  - 1. First Tactical FT Flex Hat
- H. FABRIC

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. 52% polyester/48% cotton, 7 oz mechanical stretch double ripstop, fabric DWR water and stain repellant finish
- I. MAKE/MODEL
  1. 5.11 Fast Tac Uniform
- J. FABRIC
  1. 100% polyester ripstop water resistant
  2. Structured 6 panel
  3. Adjustable hook and loop closure

#### 924.8.3 HAT, CLASS B AND C (OPTIONAL)

- A. STYLE
  1. Campaign
- B. COLOR
  1. Border Green
- C. MATERIAL
  1. Straw Triple
- D. BADGE POST
  1. When worn, the Sheriff's metal cap insignia appropriate for the deputies rank shall be affixed to the badge post
- E. ACORNS
  1. Deputies - Silver
  2. Sergeants/Administrators - Gold

#### 924.8.4 CAP, COLD WEATHER

- A. MATERIAL
  1. 100% acrylic or wool
- B. COLOR
  1. OD Green with Sheriff's cloth badge sewn in the center of the front or front fold
- C. STYLE
  1. Beanie Style. This hat may be worn from during inclement weather

#### 924.9 1/4 ZIP SWEATSHIRT

- A. MATERIAL
  1. Cotton/polyester blend or comparable material
- B. COLOR



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. Black

#### C. STYLE

1. Long-sleeved, 1/4 zip neckline, without epaulets. The sweatshirt will have a Sheriff's Office shoulder patch sewn 1/2 inch below the shoulder/sleeve seam on each sleeve. Sergeants and corporals shall have cloth chevrons sewn directly below the shoulder patches. Additionally, a Sheriff's Office cloth badge shall be sewn onto the left side chest area, and a cloth name tag with gold lettering will be sewn on the right side chest area. Sweatshirts may be worn underneath an authorized external carrier so as not to interfere with access to tools.

### **924.10 UNIFORM FOOTWEAR**

#### 924.10.1 SHOES, CLASS A AND B, DRESS AND DUTY UNIFORM

##### A. COLOR

1. Black

##### B. STYLE

1. Lace type, plain, rounded toe, no visible buckles, snaps, or zippers. Shall be worn with black socks.

#### 924.10.2 BOOT, CLASS A AND B, DRESS AND DUTY UNIFORM

##### A. COLOR

1. Black

##### B. STYLE

1. Wellington or lace type, plain rounded toe, no visible buckles, snaps, or zippers; or lace type (at least 8" tall) with plain rounded toe, no visible buckles, snaps, or zippers. Laces and eyelets shall be black.

#### 924.10.3 BOOT, CLASS B AND C

##### A. COLOR

1. Black

##### B. STYLE

1. Lace type, plain rounded toe, no visible buckles, snaps, or zippers. Laces and eyelets shall be black. The Division Administrator may authorize other types of footwear for special duty personnel.

### **924.11 UNIFORM EQUIPMENT**

#### 924.11.1 LEATHER

##### A. CLASS A UNIFORM

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. When the Class A uniform is worn, deputies shall wear assigned leather gear that is the black basket weave design. This shall include a 2 to 2 ¼ inch Sam Browne duty belt, 1 ¼ to 1 ¾ inch dress belt. The belt shall have only a firearm holster w/firearm, a double magazine pouch and a single handcuff case.
- B. CLASS B&C
  1. Leather gear is issued by the Sheriff's Office to all Deputy Sheriffs and Correctional Deputies. Issued leather gear will be black basketweave design and shall include a 2 to 2 ¼ inch Sam Browne duty belt, 1 ¼ - 1 ¾ inch dress belt, baton strap and ring, (4) four belt keepers, handcuff case, holster (as authorized), chemical agent holder, magazine pouch, deluxe key strap, Deputy Sheriff's and Correctional Deputies will wear chrome plated buckles on the dress and Sam Browne belts, chrome plated baton rings, and all snaps shall be chrome plated. The ranks of Sergeant and above shall wear brass buckles on the dress and Sam Browne belts, brass baton rings, and all snaps shall be brass.

#### **924.12 ACCESSORIES**

- A. BATON
  1. Straight or side handle, black or dark-colored wood, plastic, or aluminum; Length 24-26 inches; diameter 1 1/2 inch or a Sheriff's Office approved expandable baton.
- B. FLASHLIGHT
  1. Battery or rechargeable
- C. HANDCUFFS AND KEY
  1. Two pairs of authorized handcuffs may be carried for duty use. They shall be contained in identical cases or a double case and shall not be worn exposed or hung over the belt.
- D. O.C.
  1. As issued. Only one (1) canister will be carried.
- E. DUTY HELMET
  1. The only helmet authorized for wear with the uniform apparel shall be the helmet issued by the Sheriff's Office to each Deputy or Correctional Deputy. The duty helmet shall be equipped with a face shield. It shall only be worn for emergency situations, when approved by competent authority. The Sheriff or his designee may authorize the wearing of specialized helmets when necessary for specific duty use.
- F. GAS MASK
  1. As provided by the Sheriff's Office.

#### **924.13 OPTIONAL EQUIPMENT**

- A. OPTIONAL EQUIPMENT

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. Optional equipment, such as, a knife, gloves, tape recorders, etc., must be approved by the Sheriff or his/her designee. Items worn on the duty belt will be kept in a black leather basket weave container and all snaps will be chrome-plated or brass for Sergeants and above. Gloves will be black in color, and will not be hung over the duty belt or protrude from the pockets.
2. A black nylon Sam Browne duty belt and dress belt, or a black nylon Safe Life Tactical Duty Belt, as approved by the Sheriff or his/her designee, may be worn for Class B or C field use. The Sam Browne shall contain all of the previously outlined required equipment. The Safe Life Tactical Duty Belt shall contain all of the previously outlined required equipment except for the belt keepers and shall be worn with a black two-inch Velcro loop under belt. The holster must be rated as at least a Level II security holster and must be approved by the Sheriff or his/her designee. Leather and nylon accessories will not be mixed on the duty belt. Duty belts and related accessory equipment shall be maintained in a clean and serviceable condition.

#### **924.14 SERVICE STRIPES**

- A. Blue and gold service stripes shall be worn on the left sleeve of the Uniform Class A Dress Jacket, and on all long-sleeved uniform shirts.
- B. One stripe for each four years of full-time paid service as a member of a law enforcement agency that is certified by the State of California, Commission on Peace Officer Standards and Training
- C. Service stripes will be worn on the left sleeve positioned ½" above the braid of the dress jacket and 3" above the bottom of the sleeve of the long sleeve shirt.

#### **924.15 RANK INSIGNIA**

Sworn personnel authorized to wear rank insignia shall wear the following to designate the official rank

- A. SHERIFF - 4 gold stars
- B. UNDERSHERIFF - 2 gold stars
- C. CAPTAIN - 2 gold bars
- D. LIEUTENANT - 1 gold bar
- E. SERGEANT/SUPERVISOR - Sergeant chevrons
- F. SR CORRECTIONAL DEPUTY/SHERIFF'S CORPORAL - Two chevrons

##### **924.15.1 CLASS A , DRESS UNIFORM - WEARING OF RANK INSIGNIA**

- A. Sheriff through Lieutenant
  1. Metallic rank insignia worn on the collar of the shirt and on shoulder straps of jacket. Positioning of the collar devices will be centered 1" from the front edge and 1" from the top edge of the collar.
- B. Sergeant/Supervisor

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. Metallic insignia, worn on collar of shirt, and cloth chevrons worn on both shirt and jacket, directly below Departmental shoulder patches. Positioning of the collar devices will be centered 1" from the front edge and 1" from the top edge of the collar. Cloth chevrons worn on jacket and shirt, directly below Sheriff's Office shoulder patches.
- C. Senior Correctional Deputy
  1. Metallic insignia, worn on collar of shirt, and Cloth chevrons worn on the jacket and shirt, directly below Departmental shoulder patches.
- D. Sheriff's Corporal
  1. Metallic insignia, worn on collar of shirt, and Cloth chevrons worn on the uniform shirt, directly below Departmental shoulder patches. Since the rank of Sheriff's Corporal is a temporary assignment at the will of the Sheriff, Sheriff's Corporals are exempt from wearing cloth chevrons on the Class "A" jacket.

#### 924.15.2 CLASS B, DUTY UNIFORM

- A. Sheriff through Lieutenant
  1. Metallic rank insignia worn on the collar of the shirt and on shoulder of jacket.
- B. Sergeant
  1. Cloth chevrons worn on jacket and shirt, directly below Sheriff's Office shoulder patches.
- C. Senior Correctional Deputy
  1. Cloth chevrons worn on the jacket and shirt, directly below Sheriff's Office shoulder patches.
- D. Sheriff's Corporal
  1. Cloth chevrons worn on the jacket and shirt, directly below Departmental shoulder patches.

#### 924.15.3 CLASS C, SPECIAL DUTY UNIFORM

- A. Sheriff through Lieutenant
  1. Metallic rank insignia worn on the collar of the shirt and on shoulder of jacket.
- B. Sergeant
  1. Cloth chevrons worn on jacket and shirt, directly below Sheriff's Office shoulder patches.
- C. Senior Correctional Deputy
  1. Cloth chevrons worn on the jacket and shirt, directly below Sheriff's Office shoulder patches. Rank insignia will be worn as outlined in Section II, A, 2, a and b of this Appendix.
- D. Sheriff's Corporal

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. Cloth chevrons worn on the jacket and shirt, directly below Departmental shoulder patches. Rank insignia will be worn as outlined in Section II, A, 2, a and b of this Appendix.

#### **924.16 SECTION TITLE**

#### **924.17 NAMEPLATE AND SPECIALTY INSIGNIA**

##### **924.17.1 NAMEPLATE - CLASS A AND B, DRESS AND DUTY UNIFORM**

- A. COLOR
  1. Black with gold border and white lettering
- B. STYLE
  1. As provided by the Department
- C. The nameplate shall be worn on the jacket or on the shirt if the jacket is not worn, and is to be centered on the right breast pocket with bottom edge of nameplate and top edge of the right breast pocket forming a single plane, however, when wearing the Class A jacket with ribbons and medals the nameplate shall be worn on the right breast pocket flap with the top edge of the nameplate forming a single plane with the top edge of the breast pocket.

##### **924.17.2 NAME TAPE - CLASS C, SPECIAL DUTY UNIFORM**

- A. COLOR
  1. Olive green with black lettering on uniform shirt
  2. Black with gold lettering on the uniform jacket
- B. A cloth nametape as provided by the Sheriff's Office. The nametape may be worn on the Class C shirt, or authorized special duty uniform shirts in lieu of the nameplate. The cloth nametape may be worn on the Weather Beater Jumpsuit and on authorized utility coveralls in lieu of the authorized name plate. When worn it shall be sewn on, centered directly above the right breast pocket, with the bottom edge touching top edge of pocket.

##### **924.17.3 OPTIONAL EMBROIDERED NAME - CLASS B AND C DUTY UNIFORMS**

- A. Members are authorized for both the Class B Duty Uniform and Class C Special Duty Uniform to have their name (Initial of first name, full last name) embroidered onto the shirt, centered ¼ inch above the right breast pocket. The embroidery lettering shall be black in color, of "Arial" font, font size 5/8 inch or smaller, and no longer than five inches. The embroidered name may also be worn, in lieu of either the nameplate or cloth nametape, on the Class B and C jacket, the Weather Beater Jumpsuit, and Class D, Special Unit Duty Uniforms as specified above

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

#### 924.17.4 SPECIALTY INSIGNIA - CLASS C, SPECIAL DUTY UNIFORM

- A. Members of the Sheriff's Office who have completed certain types of specialized training (where there is a cloth insignia denoting such training) may, with written approval of Sheriff or his/her designee, wear the insignia on their Class C shirt only.
- B. The insignia shall be sewn on, centered directly above and 1/8 inch from the top edge of the cloth nametape. It is the responsibility of each member to provide the insignia. The Department will incur no expense, nor provide any specialty insignia for the Class C shirt.

#### 924.17.5 SPECIALTY INSIGNIA - EXPLOSIVE ORDNANCE DISPOSAL (EOD) DEPUTY - CLASS A AND B UNIFORM

- A. STYLE
  - 1. Metallic brass color
- B. Authorized deputies may wear one EOD insignia on the right breast pocket of the Class A Jacket, or if the Class A jacket is not being worn the insignia may be worn on the right breast pocket flap of the uniform shirt, centered between the top seam of the pocket and the top of the pocket button, in line with the button.

#### 924.17.6 SPECIALTY INSIGNIA, K-9 HANDLER - CLASS A, B, AND C DRESS, DUTY, AND SPECIAL DUTY UNIFORM

- A. May be worn by personnel who are certified by the Department as K-9 handlers.
- B. STYLE
  - 1. K-9
- C. COLOR
  - 1. Metallic brass
- D. Class A Jacket and Shirt
  - 1. On both collars, centered between neck seam and outside of collar, with bottom of insignia 1/2 inch above lower edge of collar.
- E. Class B and C Jacket and Shirt
  - 1. On right breast pocket, centered between the top seam of pocket and the top of pocket button in line with the button.

#### 924.17.7 SPECIALTY INSIGNIA, FIELD TRAINING OFFICER (FTO) - CLASS A, B, AND C DRESS

- A. STYLE
  - 1. FTO
- B. COLOR
  - 1. Metallic brass

Worn on both collars of the uniform shirt

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

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#### 924.17.8 SPECIALTY INSIGNIA, SPECIAL WEAPONS AND TACTICS TEAM (SWAT) - CLASS A, B, AND C DRESS

##### A. STYLE

1. Pin, manufactured by Center Mass Inc.
  - (a) Designated "Operator" pin
    1. COLOR
      - (a) Silver
  - (b) Designated "Senior Operator" pin
    1. COLOR
      - (a) Antique gold
  - (c) Designated "Master Operator" pin
    1. COLOR
      - (a) Polished gold
2. Uniform Shirt
  - (a) The pin will be worn on the right breast, centered 1/2" above the nameplate or name tape
3. Class A Jacket
  - (a) The pin will be worn on the right breast, centered 1/2" above the nameplate or centered 1/2" above any ribbons worn on the dress jacket

#### 924.17.9 SPECIALTY INSIGNIA, COURT PROTECTION UNIT (CPU) - CLASS A, B, AND C DRESS

##### A. STYLE

1. C.P.U.

##### B. COLOR

1. Brass

##### C. CLASS A, B AND C JACKET AND SHIRT

1. Shall be worn on the right breast pocket, centered between the top seam of the pocket and the top of pocket button, in line with the button

#### 924.17.10 SPECIALTY INSIGNIA, SHERIFF'S EMERGENCY RESPONSE TEAM (SERT) - CLASS A, B AND C DRESS

##### A. Style

1. S.E.R.T. metallic brass in color

##### B. Class A, B and C Jacket and Shirt

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

1. Shall be worn on the right breast pocket, centered between the top seam of the pocket and the top of pocket button, in line with the button.

#### **924.17.11 AWARDS**

Service awards and medals shall only be worn on the Class A jacket. Refer to Policy 930 for details

#### **924.17.12 SPECIALTY INSIGNIA, CRISIS NEGOTIATIONS TEAM (CNT) - CLASS A, B, AND C DRESS**

##### **A. Style**

1. Pin, horse head facing left, with two swords and two lighting bolts, laurel leaves, and the word "Negotiator" below (made by Collinson Enterprises).

a. Negotiator Pin - Color - Antique Silver

b. Team Leader/Commander Pin - Antique Gold

2. Uniform Shirt - The insignia pin will be worn on the right breast, centered 1/2 inch above the uniform nameplate or uniform name embroidery.

3. Class A Jacket - The insignia pin will be worn on the right breast, centered 1/2 inch above the nameplate or centered 1/2 inch above any service ribbons worn on the Dress Jacket.

#### **924.18 RAIN CLOTHING/SPECIALITY CLOTHING**

##### **924.18.1 RAINCOAT, CAP AND OVERSHOES**

- A. Uniformed personnel must maintain either an authorized  $\frac{3}{4}$  length raincoat or two-piece rain suit, which may be worn during foul weather.
- B. The raincoat or rain suit must be black in color. Clear rain covers for uniform hats and black rubber overshoes may be worn.

##### **924.18.2 GORETEX RAIN PANTS**

- A. Uniformed personnel may wear the approved Gore-Tex rain pants with the Class B and C duty jacket during foul weather.
- B. The rain pants shall be of the same material as the Class B and C duty jacket. The color shall be OD Green. The will have an elasticized waistband and adjustable snap over side openings (left and right) for easy access to pants pockets. Knee length zipper up from the cuffs to allow putting on or taking off over boots. Inside storm fly behind zipper.

##### **924.18.3 WEATHER BEATER JUMPSUIT**

- A. Uniform personnel may wear the Weather Beater Jumpsuit during periods of inclement weather.
- B. The jumpsuit will be green in color. The exterior shell will be 100% Nylon Ultrex coated or Gore-Tex. Waterproof, breathable, windproof. The liner will be brushed polyester, black in color. The jumpsuit will have ten zippered pockets, including two flashlight pockets, one on the back of each leg. The pockets with the exception of the flashlight



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

pockets will have two way front zippers. The jumpsuit will have two mike holders and a badge tab. The jumpsuit may have an optional hood in the collar. A cloth nametag will be sewn onto the right side chest area.

#### 924.18.4 COVERALL, UTILITY

Utility coveralls may be worn by deputies and staff assigned to the Sheriff's Work Alternative Program, plainclothes duty, such as, Investigators, Evidence Technicians, when processing crime scenes, in order to protect their clothing and fully identify themselves as Sheriff's Office members.

##### A. MATERIAL

1. 50% Dacron polyester and 50% cotton wash and wear perma-press

##### B. COLOR

1. O.D. Green

##### C. STYLE

1. To be the same model and style authorized by CDCR

##### D. POCKETS

1. To have two zippered chest pockets, two-quarter top front pockets. To have one zippered rear pocket and one open rear pocket.

##### E. SLEEVES

1. Sleeve to be half raglan and set-in. Long sleeve to have barrel cuff with snap closure
2. The coverall may be worn with the approval of an immediate supervisor when the assignment or conditions warrant such use.
3. Departmental shoulder patches shall be sewn 1/2 inch below the shoulder/sleeve seam
4. An optional cloth patch with the word SHERIFF can be sewn on the back of the coverall, 3 inches below the collar line and centered between the shoulder seams
5. The back patch is described as follows
  - (a) SIZE
    1. Overall, 7 inches by 10 1/2 inches. Letters, 3 inches
  - (b) COLOR
    1. Letters and edging, Gold. Background, Olive Drab

#### 924.18.5 TRAINING/OFFICE UNIFORM

##### Polo Shirt

Polo Shirt: All polo shirts will have a Sheriff's Office badge affixed to the front left side by means of embroidered and/or sewn.

1. Corrections/Operations, Green in color with gold stitching

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

2. Administration, Black in color with gold stitching
3. Instructors, Red in color with gold stitching
4. Community Service Officers, Dark Grey in color with light Grey stitching
5. Animal Control, Tan in color with Black stitching
6. OES, dark navy blue polo with OES logo at left pocket and employee name at right pocket

#### 924.18.6 EXTERNAL ARMOR CARRIER

##### A. BRAND

1. Richard Cowell (to be phased out in 2026)
2. Angel Armor

##### B. COLOR

1. Silver/Tan (Richard Cowell)
2. Ranger Green (Angel Armor)

##### C. STYLE

1. Corrections/Operations are authorized to wear the External Armor Carrier, which will be purchased by the employee. The Richard Cowell External Armor Carrier shall have two SHERIFF placards, one across the back and one on the front. Placard shall be black over tan lettering (CopQuest gold lettering for Angel Armor Carriers). Sheriff's Office badge or Sheriff's Office cloth badge will be affixed to the front right of the vest. The employees name shall be affixed to the front right side of the vest with black over tan lettering. All equipment may be placed on the vest, except for the duty handgun shall remain on the belt with department approved holster.
2. Angel Armor External Armor Carrier will only be worn with factory-approved pouches and will follow criteria listed above. Personnel assigned to K9 units are authorized to display a specialized K9 tag. The only optional approved pins are: SWAT, SERT, CNT, and CPU.

A 5.11 Tactical PDU Rapid Shirt made with a 65/35 poly/cotton twill upper and a 55/37/8 cotton/poly/spandex performance knit lower in Silver-Tan may be worn with Exterior Armor Carrier.

#### 924.18.7 HONOR GUARD UNIFORM

This uniform will only be worn by those employees assigned to the Honor Guard and at events approved by the Sheriff or his designee

##### A. JACKET

##### 1. BRAND

- (a) Flying Cross

##### 2. COLOR

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Uniform Regulations*

---

- (a) Black

#### 3. STYLE

- (a) 14 oz. 55/45 poly/wool serge. Two breast pockets, two bottom pockets, all four pleated with the flaps sewn down and gold "S" buttons on the pockets. The collar will be forest green with yellow cord inset to run along top and bottom of collar, down choke line. Epaulettes to be forest green with yellow cord edge. Cuff on the jacket is to be a forest green stripe with a yellow cord edge insert on either side, located 3 ½ inches up sleeve with two gold "S" buttons on the cuff. Metal badge tab on the left breast and a bi swing with center split pleat on the bottom. A citation cord will be worn on the left side.

#### B. PANTS

##### 1. BRAND

- (a) Flying Cross

##### 2. COLOR

- (a) Forest Green

##### 3. STYLE

- (a) 144 ounce 55/45 poly/wool serge with 1 inch flat black stripe with the same yellow cord edge as the jacket on either side of the pant stripe.

#### C. LEATHER GEAR

##### 1. COLOR

- (a) Black

##### 2. STYLE

- (a) Sam Browne, with weapon holster, double magazine pouch and single handcuff case. All leather gear will be Clarino style and snaps will be chrome plated for deputies and brass for Sergeants and above.

# Nepotism and Conflicting Relationships

## 925.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 925.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 925.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Nepotism and Conflicting Relationships*

---

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.

#### 925.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Nepotism and Conflicting Relationships*

---

#### 925.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

## Department Badges

### 926.1 PURPOSE AND SCOPE

The Humboldt County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Humboldt County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

### 926.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 926.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Humboldt 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 Department Owned and Personal Property Policy.
- (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.

#### 926.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. 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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Department Badges*

---

#### **926.2.3 RETIREE UNIFORM BADGE**

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

#### **926.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and 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.

#### **926.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Humboldt 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

### 927.1 PURPOSE AND SCOPE

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 or limitation that is protected under federal or state law.

### 927.2 POLICY

Subject to operational considerations, the Humboldt 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.

### 927.3 GENERAL CONSIDERATIONS

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 Humboldt 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 or engaging in outside employment, or may otherwise limit them 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.

### 927.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Modified-Duty Assignments*

---

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders 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 Division 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.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Supervisor or Division Commander, with notice to the Sheriff.

#### **927.5 ACCOUNTABILITY**

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.

##### **927.5.1 EMPLOYEE RESPONSIBILITIES**

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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Modified-Duty Assignments*

---

#### **927.5.2 SUPERVISOR RESPONSIBILITIES**

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 Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division 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.

#### **927.6 MEDICAL EXAMINATIONS**

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.

#### **927.7 PREGNANCY**

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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

##### **927.7.1 NOTIFICATION**

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.

#### **927.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Temporary Modified-Duty Assignments*

---

#### **927.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

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.

## Exercise Room Policy

### 928.1 PURPOSE AND SCOPE

The Humboldt County Sheriff's Office is committed to supporting the health and wellness of our law enforcement officers and support staff and believes that a physically fit workforce contributes to the safety of our community and the well-being of our law enforcement team.

The purpose of this policy is to promote the overall well-being and the physical fitness of our Sheriff's Office employees while ensuring their ability to perform their duties effectively and to establish guidelines for the appropriate and safe use of the law enforcement facility gym by authorized personnel.

This policy applies to all sworn deputies and civilian employees employed by the Humboldt County Sheriff's Office.

#### 928.1.1 PHYSICAL FITNESS STANDARDS, ACCESS AND ELIGIBILITY, PHYSICAL REQUIREMENTS

- (a) All sworn deputies must meet the physical fitness standards set forth by 1031 of the Government Code to be eligible for duty. These standards are based on job-related tasks and may be subject to periodic evaluation
- (b) Access to the gym is restricted to sworn law enforcement officers, civilian employees, and authorized personnel. To be eligible, individuals must meet the agency's physical fitness standards and receive approval from their supervisor. Each employee must sign an Exercise Liability waiver form prior to using the gym. The waiver must also be signed by your supervisor and submitted to the office of the Sheriff.
- (c) Any employee that plans on utilizing the gym equipment must consult with a physician prior to exercising at the facility. Every employee using the gym must be in good physical condition, have no medical limitations or conditions that would be affected by exercising.

#### 928.1.2 SCHEDULED EXERCISE TIME, FACILITIES, SAFETY CONSIDERATIONS

- (a) Deputies are encouraged to engage in regular physical activity to ensure that they meet the standards set forth in the Government Code as well as maintaining overall health and wellness. Deputies and civilian staff are encouraged to take time in their day to exercise. Employees can utilize the facility before or after their assigned work hours. The Sheriff's Office will strive to provide time during regular breaks or lunchtime for employees to exercise. All on duty employees must have their supervisor's permission to exercise during their work hours. At any time, an employee must respond back to their duty station if a need arises.
- (b) The Humboldt County Sheriff's Office has provided an on-site fitness gym facility at the ground floor of the correctional facility where employees can exercise. This facility is equipped with appropriate exercise equipment to support a variety of workouts and exercise plans.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Exercise Room Policy*

---

- (c) While exercising, employees must prioritize their safety and the safety of others. Employees should avoid engaging in high-risk activities that could compromise their ability to respond to emergencies promptly or injure themselves. Sheriff Employees shall only lift weights, exercise, and/or utilize the gym equipment if they have been previously trained on the proper use.

#### 928.1.3 TYPES OF EXERCISE, WORKOUT ATTIRE AND GEAR, OPERATIONAL PRIORITY

- (a) Employees are encouraged to engage in a range of physical activities to promote overall fitness. This may include cardiovascular exercises, strength training, flexibility exercises, and other fitness activities.
- (b) Employees are required to wear appropriate workout attire while exercising on duty. The attire should comply with agency dress code standards. Proper workout shoes and gear must be used to minimize the risk of injury.
- (c) While the agency supports on-duty exercise, operational needs and priority calls must take precedence. Any on duty exercise must be approved by a supervisor. Employees should be prepared to suspend their exercise activities promptly if required to respond to emergencies or other critical situations.

#### **928.2 GYM RULES AND ETIQUETTE**

All individuals using the law enforcement facility gym must adhere to the following rules and guidelines:

- a. Sign-in: Authorized personnel must sign in and sign out when utilizing the gym.
- b. Dress Code: Appropriate gym attire and athletic shoes must be worn at all times while using the facility.
- c. Hygiene: Participants should maintain proper personal hygiene to ensure a clean and safe workout environment.
- d. Equipment Usage: Gym equipment should be used correctly and responsibly. Users must be familiar with each machine's proper operation. You shall only use the free weights and perform various lifts (barbell, dumbbells, kettlebells) if you have been properly trained and are familiar with the exercises.
- e. Cleanliness: After using gym equipment, users are responsible for wiping down machines and returning any shared equipment to its designated storage area.
- f. Noise Level: Participants should keep noise levels at a reasonable level to avoid disrupting others using the facility.
- g. Personal Belongings: Users should secure their personal belongings in designated lockers or storage areas and not leave them unattended in the gym.
- h. All weights, gear, equipment, and machines must be returned to their proper location after each exercise movement is complete.
- i. No food is allowed in the gym, only liquids.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Exercise Room Policy*

---

#### **928.3 SAFETY, EMERGENCY PROCEDURES, GUEST POLICY, FACILITY MAINTENANCE**

- (a) The safety of individuals using the gym is of paramount importance. Gym users must exercise caution, use equipment as intended, and refrain from engaging in high-risk activities that could lead to injury.
- (b) All safety stops and mechanism on exercise equipment must be properly adjusted prior to each use.
- (c) Using free weights in exercise that requires a spotter is NOT allowed.
- (d) In the event of an injury or medical emergency during gym use, users should immediately contact dispatch for medical assistance and contact the on duty supervisor.
- (e) Gym users may not bring guests without prior written authorization from the Sheriff.
- (f) The agency will regularly maintain and inspect the gym equipment to ensure its safe and efficient operation. Users shall report any malfunctioning equipment to the office of the sheriff promptly.

##### **928.3.1 POLICY VIOLATIONS AND REVIEW**

Failure to comply with this policy may result in suspension or revocation of gym privileges, counseling, or other appropriate disciplinary measures, as determined by agency guidelines.

This policy will be subject to periodic review and updates as necessary to ensure its continued effectiveness and relevance.

The Humboldt County Sheriff's Office encourages the use of the law enforcement facility gym to support the health and well-being of our personnel. By adhering to these guidelines, we create a safe and conducive environment for promoting physical fitness and overall wellness.

# Employee Speech, Expression and Social Networking

## 929.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 929.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

## 929.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Humboldt 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.

## 929.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Humboldt County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

---

- 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.

#### **929.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the office's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Humboldt 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 Humboldt County Sheriff's Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Humboldt 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 Humboldt County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Humboldt County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

---

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).

#### **929.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Humboldt County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Humboldt 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 Humboldt County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **929.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) 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).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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#### **929.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

#### **929.7 TRAINING**

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

### 930.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Humboldt 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.

### 930.2 POLICY

The Humboldt 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.

### 930.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration 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.
  - 8. Assess the effectiveness of efforts made by the Office to meet relevant standards.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Illness and Injury Prevention*

---

- (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).

#### **930.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES**

The responsibilities of the Administration 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; 8 CCR 3396)
    - (e) Emergency Action Plan (8 CCR 3220)
    - (f) Fire Prevention Plan (8 CCR 3221)
    - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Illness and Injury Prevention*

---

- (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.

#### **930.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Division Commander.
- (e) Notifying the Administration 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.

#### **930.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Illness and Injury Prevention*

---

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 Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **930.7 INSPECTIONS**

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 Administration Division Commander shall ensure that the appropriate documentation is completed for each inspection.

##### **930.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **930.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (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.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Illness and Injury Prevention*

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#### **930.9 TRAINING**

The Administration Division Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Office is made aware of a new or previously unrecognized hazard.

##### **930.9.1 TRAINING TOPICS**

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **930.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.



## Line-of-Duty Deaths

### 931.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Humboldt County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 931.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 931.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 931.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Supervisor and Emergency Communications Center.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (c) If the member has been transported to the hospital, the Watch Supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

#### **931.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Watch Supervisor, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Humboldt County Sheriff's Office members may be apprised that survivor notifications are complete.

#### 931.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

#### 931.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

#### **931.6 LIAISONS AND COORDINATORS**

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Office should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

##### **931.6.1 OFFICE LIAISON**

The Office Liaison should be a Division Commander or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (g) Reminding office members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 931.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Office members and friends of the deceased member.
  - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Humboldt County Sheriff's Office members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

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#### 931.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

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- (h) Coordinating with the office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to office activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 931.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of office responsibilities until they can receive wellness support.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

#### 931.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

#### 931.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:



# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Humboldt County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

#### 931.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
  - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
  - 2. Social Security Administration.
  - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
  - 1. Education benefits (Education Code § 68120).
  - 2. Health benefits (Labor Code § 4856).
  - 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### **931.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **931.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the office's PIO should be the office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct office members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Disseminate important public information, such as information on how the public can show support for the office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (g) Release information regarding memorial services and funeral arrangements to office members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

#### **931.8 OFFICE CHAPLAIN**

The Office chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **931.9 INVESTIGATION OF THE INCIDENT**

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **931.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **931.11 NON-LINE-OF-DUTY DEATH**

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

## Wellness Program & Peer Support

### 932.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

#### 932.1.1 DEFINITIONS

Definitions related to this policy include:

**Critical incident** – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

**Critical Incident Stress Debriefing (CISD)** – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

**Peer support** – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

### 932.2 POLICY

It is the policy of the Humboldt County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

### 932.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
  1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Wellness Program & Peer Support*

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2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for office peer support members, such as:
  1. Peer support member selection and retention.
  2. Training and applicable certification requirements.
  3. Deployment.
  4. Managing potential conflicts between peer support members and those seeking service.
  5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
  6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
  1. Defining the types of incidents that may initiate debriefings.
  2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
  1. Obtaining a written description of the program services.
  2. Providing for the methods to obtain program services.
  3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
  4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
  5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
  1. The coordinator should work with appropriate office liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Wellness Program & Peer Support*

---

#### **932.4 OFFICE PEER SUPPORT**

##### **932.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA**

The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

##### **932.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES**

The responsibilities of office peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting office members with periodic training on wellness topics, including but not limited to:
  - 1. Stress management.
  - 2. Suicide prevention.
  - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
  - 1. Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

##### **932.4.3 PEER SUPPORT MEMBER TRAINING**

A office peer support member should complete office-approved training prior to being assigned.

#### **932.5 CRITICAL INCIDENT STRESS DEBRIEFINGS**

A Critical Incident Stress Debriefing (CISD) should occur as soon as practicable following a critical incident. If a CISD is needed, Command Staff or a Sergeant can make that request. Once the CISD is scheduled, the requestor shall make proper notifications to ensure proper staffing coverage. If a deputy on duty is involved in a critical incident and is emotionally or physically unfit for duty, the on duty supervisor should notify their Lieutenant, or after hours, the Duty Officer. The deputy may be sent home on sick leave and a memo should be generated documenting the supervisor's observations. The Duty Officer or Lieutenant will then consult with the Captain or Undersheriff to determine the next steps for the deputy. When an intervention is needed for a deputy in crisis and members of the Peer Support team are involved, communication must take place with the appropriate Division Lieutenant. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Wellness Program & Peer Support*

---

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 should only include peer support members and those directly involved in the incident.

#### **932.6 PEER SUPPORT COMMUNICATIONS**

Although the Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program). If a Peer Support member helps a deputy enter a treatment program, this should be communicated immediately to the appropriate Lieutenant. Peer Support does not need to share specifics about the situation or the type of treatment the deputy is receiving, only that an intervention occurred and the deputy is seeking treatment. Peer Support should also encourage the deputy to contact their immediate supervisor and follow HCSO policy regarding use of sick and/or special leave.

#### **932.7 PHYSICAL WELLNESS PROGRAM**

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of office-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

#### **932.8 WELLNESS PROGRAM AUDIT**

At least annually, the coordinator or the authorized designee should audit the effectiveness of the office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### *Wellness Program & Peer Support*

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- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff for review and consideration of updates to improve program effectiveness.

#### **932.9 TRAINING**

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of office wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.



# Humboldt County SO Policy Manual

Humboldt County SO Policy Manual

## Attachments

## **Hate Crime Checklist.pdf**

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>VICTIM</b>  | <p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b><br/>Legal name (Last, First): _____<br/>Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b><br/>Name: _____<br/>Type: _____<br/><small>(e.g., non-profit, private, public school)</small><br/>Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b><br/>Name: _____<br/>Faith: _____<br/>Address: _____</p>                                                                                                                                                                                                          | <p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></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;"><b><u>Nature of Crime (Check all that apply):</u></b></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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>BIAS</b>    | <p style="text-align: center;"><b><u>Type of Bias</u></b><br/><b><u>(Check all characteristics that apply):</u></b></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<br/><small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):<br/>_____<br/>_____</p> | <p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></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)].<br/><i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> |
|                | <p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></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>                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>HISTORY</b> | <p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>WEAPONS</b> | <p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

|                 |                                                                                                                                                                                                                                 |  |                                                                                                                                                                                                                                                  |  |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>EVIDENCE</b> | 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<br>Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Total # of photos: _____ D#: _____<br>Taken by: _____ Serial #: _____ |  | Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked<br>Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo<br><input type="checkbox"/> Known to victim |  |

|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OBSERVATIONS</b>                                                                                            | <u><b>VICTIM</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u><b>SUSPECT</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                | <input type="checkbox"/> Tattoos<br><input type="checkbox"/> Shaking<br><input type="checkbox"/> Unresponsive<br><input type="checkbox"/> Crying<br><input type="checkbox"/> Scared<br><input type="checkbox"/> Angry<br><input type="checkbox"/> Fearful<br><input type="checkbox"/> Calm<br><input type="checkbox"/> Agitated<br><input type="checkbox"/> Nervous<br><input type="checkbox"/> Threatening<br><input type="checkbox"/> Apologetic<br><input type="checkbox"/> Other observations: _____        | <input type="checkbox"/> Tattoos<br><input type="checkbox"/> Shaking<br><input type="checkbox"/> Unresponsive<br><input type="checkbox"/> Crying<br><input type="checkbox"/> Scared<br><input type="checkbox"/> Angry<br><input type="checkbox"/> Fearful<br><input type="checkbox"/> Calm<br><input type="checkbox"/> Agitated<br><input type="checkbox"/> Nervous<br><input type="checkbox"/> Threatening<br><input type="checkbox"/> Apologetic<br><input type="checkbox"/> Other observations: _____ |
|                                                                                                                | <u><b>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</b></u>                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                | Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u><b>Resources offered at scene:</b></u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____ |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                                               |                          |                          |                                                                                                          |                        |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------|------------------------|
| <b>MEDICAL</b>                                                                                                                | <u><b>Victim</b></u>     | <u><b>Suspect</b></u>    | <u><b>Paramedics at scene?</b></u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ |                        |
|                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | Declined medical treatment                                                                               | Name(s)/ID #: _____    |
|                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | Will seek own medical treatment                                                                          | Hospital: _____        |
|                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | Received medical treatment                                                                               | Jail Dispensary: _____ |
| Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No |                          |                          | Physician/Doctor: _____<br>Patient #: _____                                                              |                        |

|                                  |      |
|----------------------------------|------|
| Officer (Name/Rank)              | Date |
|                                  |      |
| Officer (Name/Rank)              | Date |
|                                  |      |
| Supervisor Approving (Name/Rank) | Date |
|                                  |      |

## **Supplemental Hate Crime Report-Agency.pdf**

# SUPPLEMENTAL HATE CRIME REPORT

Page 1 of 2

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

## VICTIM

### VICTIM TYPE

☐ Individual

Legal name (Last, First): \_\_\_\_\_

Date of Birth

Age

Sex

Race

☐ School, business or organization

Name: \_\_\_\_\_

Type: \_\_\_\_\_  
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: \_\_\_\_\_

Faith: \_\_\_\_\_

☐ Other

Name: \_\_\_\_\_

Type: \_\_\_\_\_

Address: \_\_\_\_\_

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Date and time of report: \_\_\_\_\_

Location of report: \_\_\_\_\_

Agency Case #: \_\_\_\_\_

### NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other \_\_\_\_\_

## BIAS

### TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense  
(e.g., 9/11, holy days)

☐ Association with a person or group with  
one or more of these characteristics  
(actual or perceived)

☐ Other: \_\_\_\_\_

### ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated  
characteristic(s)].

### REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an  
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group  
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

### BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: \_\_\_\_\_

## SUPPLEMENTAL HATE CRIME REPORT

Page 2 of 2

### HISTORY

| SUSPECT INFORMATION                |     |     |      | RELATIONSHIP BETWEEN SUSPECT & VICTIM                                                                                                 |  |
|------------------------------------|-----|-----|------|---------------------------------------------------------------------------------------------------------------------------------------|--|
| Legal name (Last, First):<br>_____ |     |     |      | Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No                                                     |  |
| Other Names used (AKA):<br>_____   |     |     |      | Nature of relationship:<br>_____                                                                                                      |  |
| Date of Birth                      | Age | Sex | Race | Length of relationship: _____                                                                                                         |  |
|                                    |     |     |      | <input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____                                                  |  |
| Relationship to Victim:<br>_____   |     |     |      | Prior unreported incidents with suspect:<br><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |  |

### WEAPONS/FORCE

|                                 |                              |                             |             |
|---------------------------------|------------------------------|-----------------------------|-------------|
| Weapon(s) used during incident? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Type: _____ |
| Force used during incident?     | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Type: _____ |

### 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/video | <input type="checkbox"/> Known  |                             |

### RESOURCES

|                                                                                      |                                               |                                       |
|--------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------|
| Resources offered at scene: <input type="checkbox"/> Yes <input type="checkbox"/> No |                                               |                                       |
| <input type="checkbox"/> Marsy's Law Handout                                         | <input type="checkbox"/> Hate Crimes Brochure | <input type="checkbox"/> Other: _____ |

### MEDICAL

| Victim                   | Suspect                  |                                 |
|--------------------------|--------------------------|---------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Declined medical treatment      |
| <input type="checkbox"/> | <input type="checkbox"/> | Will seek own medical treatment |
| <input type="checkbox"/> | <input type="checkbox"/> | Received medical treatment      |
| <input type="checkbox"/> | <input type="checkbox"/> | Injuries observed               |

| Completed by         | Date |
|----------------------|------|
|                      |      |
| Name/Title/ID number |      |
|                      |      |

## **OP-E-4 Court Facility Screening 09.15.08.pdf**



**HUMBOLDT COUNTY SHERIFF'S OFFICE  
OPERATIONS POLICY AND PROCEDURE**

**POLICY:** OP – E - 4

**SUBJECT:** COURT FACILITY ENTRY SCREENING

**APPROVED BY:** Gary Philp, Sheriff

**DATE:** 9/15/08

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**PURPOSE:** This Order establishes the policy and procedures for the security screening of all persons entering court facilities within the County of Humboldt.

**POLICY:** The Humboldt County Sheriffs Office is committed to providing a safe and secure environment, achieved through proactive preventative action, within the court facilities of Humboldt County. In furtherance of our commitment, this policy sets fourth the procedures by which Sheriff's Court Services Division personnel, in cooperation with contract security officer services, will conduct entry screening at court facilities.

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**REFERENCE:** Court Order issued by the Presiding Judge of the Humboldt Superior Courts reference entry screening and Humboldt County Ordinance 267-1/Courthouse Screening

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**PROCEDURE:**

**1.0 Entry screening**

1.1 The purpose of entry screening at court facilities is to detect and prevent the entry of unauthorized weapons, potential weapons, explosives, incendiary devices or any items or objects which could become weapons of opportunity or could be used to facilitate an escape of inmates.

1.1.1 Staffing will consist of Deputy Sheriffs/Bailiffs and/or contract security officers.

1.1.2 Screening equipment will consist of one or more of the following: Hand-held wands, Magnetometers, X-ray Machines and Closed Circuit Monitoring Systems with Recorders.

**2.0 Authority**

2.1 The primary authority for conducting the screening process is derived from a court order issued by the Presiding Judge of the Superior Courts of Humboldt County and by County Ordinance of the Board of Supervisors of Humboldt County. It is noted that:

2.1.1 The public has the right to refuse the screening process and inspection of their personal belongings.

2.1.2 The public has the right to stop the screening of their persons or personal belongings at anytime during the screening process unless an obvious threat or illegal contraband has been detected or identified.

2.1.3 Access to the courthouse facility shall be denied to those persons electing not to be screened or those persons who withdraw consent during the entry screening process.

2.1.4 Personal belongings not screened will be denied access into the facility.

2.1.5 From time to time, persons entering a court facility may object to being screened and/or question the authority of preventing certain objects from entering court facilities. When such conflicts arise and cannot be resolved by way of explanation of the screeners, a supervisor shall be notified.

**3.0 Conduct and demeanor**

3.1 Regardless of provocation, entry-screening personnel will be professional and courteous in their conduct and demeanor at all times.

3.2 When reasonable, entry-screening personnel will, upon request, provide information to the public relative to justification and authority. This is crucial to maintaining the public's support of the entry screening process.

- 3.3 Entry screening personnel shall not impede the work of county and court staff by engaging in frivolous conversations that are not directly related to assigned duties, unless both parties are on break.
- 3.4 Entry screening personnel shall not temporarily hold, store, or keep personal property or prohibited items belonging to persons entering court facilities. Prohibited items shall not be discarded by screeners on the behalf of persons and shall not be discarded in trash receptacles within the facility.
- 3.5 Security officer's/deputies assigned to entry screening may consume beverages, in a discrete manner, while assigned at the Entry Screening Station; however, entry screening personnel will not consume beverages while actively engaged in the screening of persons entering the facility.

#### **4.0 Contract security officer responsibilities**

- 4.1 All contract security officers who may be assigned to court facility; entry-screening stations shall be responsible for the following:
  - 4.1.1 Proper operation, maintenance and upkeep of their respective entry screening stations and any and all equipment used in the screening process.
  - 4.1.2 Greeting and acknowledging persons entering court facilities using tact/diplomacy and a professional demeanor representative of the Sheriff's Office.
  - 4.1.3 Ensuring that all persons who enter court facilities (with the discretionary exception of judicial officers and on-duty peace officers on verifiable official business) comply with the established entry screening requirements.
  - 4.1.4 When necessary, conducting non-intrusionary searches of persons being screened, and thorough searches of their personal and hand-carried items that may contain prohibited items.
  - 4.1.5 Utilizing the procedures established herein, preventing any/all prohibited items from entering court facilities and immediately notifying a court deputy/bailiff when suspected illegal contraband is found/detected during the screening process.
- 4.2 Contract security officers shall immediately notify a court deputy/bailiff of any of the following:
  - 4.2.1 Uncooperative, disorderly, threatening or potentially dangerous individual(s) personally observed or brought to their attention.
  - 4.2.2 Any breeches of security or other similar or related incidents brought to their attention.
- 4.3 Contract Security Officers shall make immediate notification to a Sheriff's Court Services supervisor or, in their absence, the senior deputy under the following circumstances:
  - 4.3.1 When major threats to or breeches of facility security are received or occur.
  - 4.3.2 Upon receipt of personnel complaints related specifically to the individual actions or demeanor of screening personnel (this does not include complaints of a policy or procedural nature).
  - 4.3.3 When injuries are sustained by employees or members of the public while on court premises (regardless of cause).

#### **5.0 Deputy/Bailiff responsibilities**

- 5.1 Deputies/Bailiffs assigned to or present at court entry screening stations will be responsible for the following:
  - 5.1.1 Absent the involvement of a supervisor or senior sworn Sheriff's Office member, the deputy/bailiff present will have final authority on all decisions or matters relative to searches, seizures and the exclusion of items from the court facility, which are deemed to be prohibited.

- 5.1.2 When in dispute, deputies will physically inspect the items in dispute and will utilize applicable penal codes and the list of prohibited items contained within the standing order of the Presiding Judge of the Superior Court of Humboldt County and Humboldt County Ordinance 267-1/Courthouse Screening when making a final determination.
- 5.1.3 Respond as needed to breeches of security, found/seized contraband items of a criminal nature, disputes over entry denials, and unusual circumstances or situations that may impact facility security.
- 5.1.4 When appropriate will arrest and take custody of persons attempting entry into court facilities who are found to be in possession of contraband.
- 5.1.5 Deputy Sheriffs will take custody and control of all items of contraband seized during entry screening, and will take custody and control of any and all found/unclaimed property left at the facility entry screening station in accordance with Sheriff's Office policies and procedures.
- 5.1.6 All confiscated weapons seized pursuant to applicable penal codes or court order shall be held as evidence until the adjudication of the case.

5.2 Deputy Sheriffs will make immediate notification to a supervisor under the following circumstances:

- 5.2.1 When major threats to or breeches of facility security are received or occur.
- 5.2.2 When arrest(s) are made of person(s) attempting entry into court facilities with contraband items.
- 5.2.3 Upon receipt of personnel complaints related specifically to the individual actions or demeanor of screening personnel (this **does not** include complaints of a policy or procedural nature).
- 5.2.4 When injuries are sustained by employees or members of the public while in the courthouse (regardless of cause).

## **6.0 Entry screening station assignments**

- 6.1 Specific staffing requirements will be determined by the Sheriff's Court Services Division Commander having control over the respective court facility. Entry screening duties and assignments will generally consist of contract security officers and/or Sheriff's Court Services Division personnel who will staff one or more of the following:
  - 6.1.1 Monitoring and control of entrance lanes.
  - 6.1.2 Observation of persons passing through the magnetometers
  - 6.1.3 Monitoring of x-ray machine entry and exit conveyors, and machine images.
  - 6.1.4 Follow-up inspection (visual and hand-held scanner) of all persons activating the magnetometer alarms.
  - 6.1.5 Physical inspection and control of items indicated by x-ray examination.
  - 6.1.6 Observation and control of the exit lanes.

## **7.0 Entry screening equipment**

- 7.1 The three main items of screening equipment in use at court facility entry screening stations are the walk-through magnetometer (metal detector), hand-held scanners (hand wands) and x-ray machines.
  - 7.1.1 The manufacturer's operating manuals for all three items of equipment shall be made available for all personnel to review and reference as needed.
  - 7.1.2 All personnel assigned to entry screening duties shall operate the equipment in strict accordance with the manufacturer's specifications and instructions.

- 7.1.3 Personnel shall not move, alter or adjust the sensitivity or settings of this equipment unless designated or directed to do so by a supervisor.

## **8.0 Entry screening process**

- 8.1 The screening process is initiated when a screener first observes a person entering or preparing to enter a court facility.
  - 8.1.1 During this visual inspection phase, the screener shall be conscious of the person's dress and demeanor.
  - 8.1.2 The screener shall also note any bulges or unusual shapes in the clothing, as well as unusual or bulky articles of clothing being worn or carried by the person.
  - 8.1.3 The screener shall be conscious of pouches or sheaths worn openly, gloves, headgear and footwear.
  - 8.1.4 The screener shall also note any personal or hand-carried items in the person's possession.
  - 8.1.5 After entry, the person shall be cordially greeted and instructed to remove all metal objects or items containing metal objects from his/her pockets.
  - 8.1.6 The screener shall then direct the person to place all objects removed from his/her pockets, including wallets/billfolds, into the screening baskets provided.
  - 8.1.7 The screener shall then direct the person to place all personal belongings or hand-held items large enough to conceal a weapon or explosive device onto the x-ray machine conveyor.
  - 8.1.8 In the absence of an x-ray machine, the person shall be instructed to place such items onto an examination table in view of the person.
  - 8.1.9 The screener shall be conscious of the cooperativeness and demeanor of the person, as well as any unusual degree of nervousness that the person may be displaying.
  - 8.1.10 Items placed into the screening basket shall be inspected by the screener in the presence of the person.

## **9.0 Use of magnetometers**

- 9.1 After inspection of the items placed into the screening baskets, the person shall be directed to walk through the magnetometer.
  - 9.1.1 In the event the magnetometer alarm sounds (indicating the presence of metal on the person), the person shall be asked to check his/her person and pockets for any additional objects or items containing metal.
  - 9.1.2 If additional objects or items are located on his/her person, the screener shall likewise direct the person to place the objects or items into the screening basket provided and shall inspect the additional items.
  - 9.1.3 The person shall again be directed to walk through the magnetometer a second time, to verify the elimination of the source of the first alarm.
  - 9.1.4 If the magnetometer alarm sounds again, the screener shall then use a hand-held scanner (hand wand) to conduct further inspection of the person, using the wand methods listed in 10.0, Use of Hand-held scanners (hand wands).
  - 9.1.5 The screener shall continue to use the hand wand method until the source of the alarm is absolutely and positively identified.
  - 9.1.6 Persons not cleared by way of the magnetometer or hand-held scanners shall not be given access to their hand carded items until such time as they are satisfactorily cleared.

**10.0 Use of hand-held scanners (Hand wands)**

- 10.1 Hand-held scanners are sensitive to metal but will only alarm when the broad surfaces of the sensing element are placed in close proximity to metal objects.
  - 10.1.1 The sensing element should be used parallel to the area being inspected, and should be held 1 - 3 inches above the surface of the part of the body being inspected.
  - 10.1.2 Hand-held scanners shall be tested and inspected daily, prior to the beginning of each shift. If a unit is found to be inoperative, the screener should notify their supervisor immediately so that a replacement unit can be provided.
  - 10.1.3 The screener shall start the wandling process at the same location on the person's body each time.
  - 10.1.4 The inspection should follow a systematic pattern until the screener has covered both the front and back of the person's body, from the top of his/her head to the floor.
  - 10.1.5 Screeners shall overlap in their wandling pattern, starting at the point in which an identified source or object has been located to ensure that a secondary object is not concealed in or near the same location of the persons body where previous objects have been found.
  - 10.1.6 The method of overlapping shall be continued until the entire surface of the body has been inspected and cleared.

**11.0 Pat-down searches**

- 11.1 If the hand-held scanner fails to resolve the source of an alarm, persons may be asked to consent to a pat-down search of their persons. Likewise, persons with certain medical conditions, devices or implants may request that a screener conduct a pat-down search of their persons in lieu of passing through a magnetometer.
  - 11.1.1 When a pat-down search is deemed appropriate, the pat-down search should only be conducted by a court deputy sheriff/bailiff of the same sex.
  - 11.1.2 When the magnetometer and hand-held scanner fails to clear a person, the pat-down search shall be limited to the area of the unresolved alarm and only to the extent necessary to ensure that there are no prohibited items on the person.
  - 11.1.3 Pat-down searches should be as least intrusionary as possible and should be conducted in such a manner as to maintain the dignity of the person being searched. Therefore, the pat-down search may be conducted in the pat-down room or a designated private area. If the search is conducted in the described area, two (2) security personnel will be present.
  - 11.1.4 Persons, who decline or revoke consent to a pat-down search when deemed necessary by a court deputy/bailiff, shall be denied access to the court facility.

**12.0 Use of x-ray equipment**

- 12.1 Screeners shall have a thorough understanding and knowledge of the x-ray equipment at their respective screening stations, to include the direction of the x-ray beam, and interpretation of images on the equipment's monitor.
  - 12.1.1 Screeners shall process items or articles in such a manner and at such a pace as to ensure the identity of the contents of each hand carried item inspected.
  - 12.1.2 The integrity of the process shall not be compromised by the volume of patrons awaiting access or by other distractions that may be present.
- 12.2 The proper x-ray method begins at the point in which an item or article is placed onto the entry conveyor.

- 12.2.1 Knowledge of the direction of the x-ray beam is important so that screeners ensure items or articles are loaded in such a manner as to present the widest, flattest surface of the item or article to the x-ray beam.
- 12.2.2 Hand-carried items often contain bags, pouches, or similar items within, which, depending on their contents, can block the view of the main item or article being inspected. Under these circumstances, the screener shall obtain consent from the person to remove the bags, pouches or similar items from the main item for the purpose of x-raying each item separately.
- 12.2.3 Scientific film, x-ray film and high-speed film (ASA 1000 or higher) should be physically inspected and **should not be inspected** by x-ray.
- 12.2.4 As with the inspection of their persons, patrons have the right to request that items or articles be physically inspected in lieu of being examined by x-ray. Items that cannot be satisfactorily cleared by physical inspection shall be denied access to the court facility.

### **13.0 Inspection of hand-carried items**

- 13.1 All hand-carried items of a size and nature capable of containing or concealing prohibited items shall be inspected.
  - 13.1.2 The inspection will be accomplished either by x-ray examination, physical inspection or both.
  - 13.1.3 As with the inspection of their persons, patrons have the right to refuse inspection of their personal items or belongings. Items that cannot be satisfactorily cleared by physical inspection shall be denied access to the court facility.

### **14.0 Physical inspection policy**

- 14.1 Physical inspections of hand-carried items or articles shall be conducted under the following circumstances:
  - 14.1.1 When x-ray equipment fails to adequately clear an item or article and the inspection is deemed necessary by the screener.
  - 14.1.2 When a court facility is not equipped with x-ray screening equipment and the inspection is deemed necessary by the screener.
  - 14.1.3 When a person entering requests a physical inspection of a hand carried item or article, in lieu of x-ray inspection.

### **15.0 Physical inspection procedures**

- 15.1 All physical inspections of hand-carried items or articles shall be thorough and methodical, and shall be conducted in the immediate presence of the owner.
  - 15.1.1 Except when conducted at the request of the individual, consent shall be obtained from the individual prior to conducting physical inspections of an intrusive nature.
  - 15.1.2 Searches of an intrusive nature would include, but are not limited to, internal searches of purses, hand bags, briefcases, wallets, fanny packs, back packs or similar hand-carried items or articles of a personal nature.
  - 15.1.3 The consent requirement shall not apply to items or articles found/abandoned where the search of the item or article is for the purposes of identifying its owner, or for determining the contents of the item or articles for safety purposes.
- 15.2 Physical inspections of hand-carried items or articles should be conducted in such a manner as to maintain the dignity of the person whose items or articles are being searched.

- 15.2.1 Persons, who decline or revoke consent to physical inspection of their hand-carried items or articles, when such inspection is deemed necessary for facility security, shall be denied admission of the item or article into the court facility.

## **16.0 Wallet inspection procedures**

- 16.1 The following establishes the procedures by which wallets/billfolds shall be inspected:

16.1.1 Screeners shall ask persons entering the facility whether or not they have wallets on their persons.

16.1.2 Those persons having wallets will be directed to remove and place their wallets into the screening baskets provided, in addition to the objects removed from their pockets, which contain metal.

16.1.3 In the immediate presence of the person, the screener will lift the wallet above the screening basket and shall wand both sides of the wallet at close proximity to the outside of the wallet, utilizing a handheld scanner.

16.1.4 Screeners will **not** open, unfold or enter the interior of the wallet during the initial wand process and shall take precautions to prevent from dropping or inadvertently spill the contents of the wallet during the process.

- 16.2 If the hand-held scanner does not alarm on the contents of the wallet, the person shall have the wallet returned to them and the person shall continue with the entry screening process.

- 16.3 If the hand-held scanner does alarm on the contents of the wallet, the person shall be directed to:

16.3.1 Place the wallet on the x-ray entry conveyor (at facilities with x-ray equipment).

16.3.2 Enter through the magnetometer, after placing the wallet on the conveyor, to be cleared using normal screening procedures.

- 16.4 If the magnetometer alarms while the persons wallet is being examined by x-ray, the person shall be directed as follows:

16.4.1 To proceed to the x-ray machine, exit conveyor, and instructed to retrieve the wallet after the wallet has been satisfactorily cleared by way of x-ray examination.

16.4.2 To place the cleared wallet in their hand while the screener proceeds to clear the person and source of the magnetometer alarm utilizing a hand-held scanner.

- 16.5 **At no time** shall a person be separated from their wallet except during the actual x-ray examination of the wallet (while the wallet is passing through the interior of the x-ray machine).

- 16.6 When an interior inspection of a wallet is deemed necessary, the same procedures outlined within section 15.0 of this policy, physical inspection of personal hand-carried items, shall be followed. This includes the following conditions:

16.6.1 The x-ray inspection indicates the presence of one or more prohibited items in the wallet.

16.6.2 The facility is not equipped with x-ray equipment and the wand of the wallet indicates, by scanner alarm, the presence of metal within the wallet.

- 16.7 Persons who decline or revoke consent to an interior inspection of their wallets or billfolds, when such inspection is deemed necessary for facility security, shall be denied admission of the wallet or billfold into the court facility.

## **17.0 Physically impaired (non-ambulatory) persons**

- 17.1 Physically impaired persons can present a unique challenge to screeners and the entry screening process. Likewise, the process can be a difficult and demanding experience for non-ambulatory and other physically impaired persons. If not handled with dignity and respect, the process can be very humiliating for the person being screened. This special challenge does not; however, relieve us of our responsibility to conduct a complete and thorough search. The following procedure shall be followed with persons confined to a wheel chair.
- 17.1.1 Upon the arrival of a non-ambulatory person in a wheel chair, the screener shall inquire as to the person's ability to walk through the magnetometer or stand far enough away from the wheel chair to allow inspection of his/her person with a hand-held scanner.
- 17.1.2 If the person is physically incapable of this, consent to search shall be obtained from the person and a search shall be conducted of their person and the wheelchair by a deputy/bailiff using the procedures outlined within section 11.0 of this policy.
- 17.1.3 The wheelchair and any other ambulatory type medical devices shall be thoroughly inspected for concealed prohibited items. Close attention should be paid to blankets or coverings, and any attachments to the device.
- 17.1.4 Hand-carried items within their possession shall be inspected using the procedures outlined within section 13.0 of this policy.

## **18.0 Service animals**

- 18.1 The Americans with Disabilities Act (ADA), defines a service animal as any guide dog, signal dog, or other animal trained to provide assistance to an individual with disability. All municipal and county ordinances that apply to animals also apply to a service animal and should be considered relative to health and safety issues concerning vaccinations and disease control. A service animal is not a pet.
- 18.2 If an animal accompanies an individual, and the individual asserts claim that the animal is a service animal, court security shall allow the individual to enter the court facility with the animal under the following conditions:
- 18.2.1 The individual asserts he or she has a disability.
- 18.2.2 The individual asserts the animal is a service animal.
- 18.2.3 The animal does not threaten the health or safety of others.
- 18.2.4 The individual maintains control of the animal while in the court facility.
- 18.2.5 The individual is NOT REQUIRED to provide written documentation that the animal is a service animal.
- 18.3 If court security denies entry or requires the animal to be removed after entry, the court security supervisor shall be notified. The court security supervisor will evaluate the situation and make reasonable attempts to accommodate the individual if appropriate. If an accommodation cannot be made, the court security supervisor shall prepare a memorandum. The memorandum shall include the justification for not allowing the service animal into the facility. The memorandum shall be directed to the Court Services Division Commander. The Commander will forward a copy of the memorandum to the Sheriff via the chain of command.

## **19.0 Strollers/child carrying devices**

- 19.1 Persons who enter court facilities with child strollers or child carrying devices shall be inspected following the same guidelines as that of persons in wheel chairs, outlined within section 17.0 of this policy.
- 19.1.1 If the child is unable to walk unaccompanied, the child may be carried through the magnetometer by a parent or guardian.
- 19.1.2 Hand-carried items shall be inspected using the procedures contained herein.



**20.0 Deliveries/mail**

20.1 Frequent deliveries are made to court facilities by vendors and suppliers. Deliveries often consist of office supplies (both bulk and small), vending machine supplies and bottled water. Delivery persons themselves shall be screened in accordance with entry screening procedures.

20.1.1 Large or bulk items shall be visually and physically inspected.

20.1.2 Items small enough to be hand-carried shall be inspected using x-ray equipment (when available). If the source or nature of a delivery is in question, screeners shall contact a court supervisor within the courts to verify the authenticity of the delivery.

20.1.3 All packages delivered by U.S. Postal Service, United Parcel Service, Federal Express or any other delivery service shall be inspected using x-ray equipment (when available) prior to addressee delivery.

**21.0 Court evidence protocol**

21.1 When court evidence--specifically, firearms, replica firearms, ammunition, deadly weapons, knives, tear gas containers, taser-stun guns, and metallic or paint projectile instruments--are brought to court by persons other than a readily identifiable peace officer, the following procedures shall be implemented:

21.1.1 The individual(s) transporting any of the items described with section 21.1 of this policy shall be properly identified.

21.1.2 Screeners shall obtain confirmation with the courtroom deputy/bailiff on the expected arrival of the evidence.

21.1.3 The transporting individual shall remain at the entry screening station with the court evidence, until they can be provided an escort by the investigating peace officer from the investigating law enforcement agency or a court deputy/bailiff.

21.1.4 Prior to allowing entry of firearms as evidence into the facility, the firearm shall be cleared as safe and rendered inoperable by the investigating peace officer and/or the court deputy/bailiff.

21.1.5 Contract security officers shall not clear firearms.

**22.0 Armed Plainclothes/Off-Duty Peace Officers**

22.1 In accordance with Penal Code Section 171 b, entry screening personnel shall inquire as to whether or not a peace officer, armed and dressed in plainclothes attire, is a "party to an action" pending before the court, prior to allowing entry into the court facility. Peace officers who are a party to an action pending before the court shall not be allowed entry into the court facility with their firearm.

22.2 Entry screening personnel shall request and view proper agency or department identification prior to allowing armed plainclothes peace officers, entry into the court facility.

22.3 All armed, plain clothed peace officers entering any court facility shall wear the security badge, issued by the entry screening personnel **or** their departmental issued identification card in a readily visible location at all times while in the court facility.

22.4 Any questions or disputes arising out the enforcement of this section (Section 22.0) shall immediately be referred to a court deputy/bailiff or Sheriff's Court Services supervisor for resolution.

**23.0 Screening station logs**

23.1 When required, contract security personnel shall be responsible for maintaining entry-screening station logs for their respective station.

- 23.1.1 The requirement of logs, consisting of, but not limited to, pass-on logs, plain clothes officer logs, contraband detection logs and equipment service logs, will vary from facility to facility and shall be determined by the local Sheriff's Court Services Division Commander having control over the facility.

**24.0 Prohibited items - by statute**

- 24.1 Any item or article having the potential to inflict or cause physical harm shall be inspected to determine whether it has been filed, sharpened, honed, or in any other manner altered to the extent that it meets the definition of prohibited weapons as defined in Penal Code Sections 12020 and 171b.
- 24.2 Prohibited items shall include all weapons or instruments described in the following penal code sections:
  - 24.2.1 171b P.C. - Unauthorized possession of weapons in state or local public buildings or at public meetings.
  - 24.2.2 244.5 P.C. - Stun gun or taser; assault, punishment.
  - 24.2.3 653k P.C. - Switch blade knife/gravity knife having a blade longer than two inches; possession in motor vehicle; carrying; sale or disposition; definitions.
  - 24.2.4 12402 P.C. -Tear gas weapon
  - 24.2.5 12020P.C. - Manufacture, import, sale, supply or possession of certain weapons and explosives.

**25.0 Prohibited items by order of the Court shall also include the following:**

- 25.1 General prohibited Items listed as follows:
  - 25.1.1 Firearms possessed by anyone other than peace officers, regardless of CCW. The only exceptions to this are judicial officers who possess a valid CCW.
  - 25.1.2 Firearms possessed by peace officers when attending Family Law Court or when the peace officer is a party to an action pending before the Court.
  - 25.1.3 All bullets and ammunition possessed by anyone other than peace officers, regardless of CCW. The only exceptions to this are judicial officers who possess a valid CCW.
  - 25.1.4 All taser guns.
  - 25.1.5 All stun guns.
  - 25.1.6 All gun-shaped lighters.
  - 25.1.7 Toy or replica guns.
  - 25.1.8 Handcuffs - Except those possessed by sworn peace officers.
- 25.2 Chemical agents listed as follows:
  - 25.2.1 All mace, pepper gas, animal repellant, butane fuel.
- 25.3 Knives listed as follows:
  - 25.3.1 Buck type - all size blades.
  - 25.3.2 Swiss Army/utility type knives - all size blades.
  - 25.3.3 Butter and steak knives - all size blades.
  - 25.3.4 Multi-tool type knives - all size blades.

25.3.5 Concealable/disguised knives -all size blades.

25.4 Scissors listed as follows:

25.4.1 All sewing types with a length in excess of 2 inches.

25.5 Razors listed as follows:

25.5.1 Single blades.

25.5.2 All box cutters.

25.5.3 All "exacto" type tools (open retractable razor With handle).

25.6 Tools listed as follows:

25.6.1 All large tools (screwdrivers, pliers, wrenches, hammers, etc.) in excess of 6 inches in length (screwdrivers not to exceed 2 inches in length).

25.6.2 Ice picks.

25.7 Miscellaneous items include:

25.7.1 Darts.

25.7.2 Letter openers.

25.7.3 Pieces of heavy-duty wire/heavy gauge chains with an overall length in excess of 24 inches.

25.7.4 Laser pointers - Except those for use by attorneys in courtroom presentations.

25.7.5 Skateboards/skates.

25.7.6 Needles/syringes (non-diabetic person(s) without prescription)

25.7.7 Handcuff keys - Except those possessed by sworn peace officers.

25.7.8 "Come-along" sticks/key chain size.

25.7.9. Flammable liquids.

**\* Note:** In all cases, a sworn supervisor or their designee may use their discretion to determine if any item (other than those items listed above) presents a safety or security risk to the court environment and may exclude that item from being brought into the court facility when deemed appropriate. When such discretion is exercised, the employee prohibiting a particular item from being brought into the court facility shall prepare a memorandum. The memorandum shall include a description of the item and the justification for not allowing the item into the facility. The memorandum shall be directed to the Commander, via chain of command.

## 26.0 Emergency Situations

26.1 In the event of an alarm in the Court Facility, **at least one** of the Court Security personnel assigned to entrance security, and others if deemed appropriate by the person in charge of perimeter security, shall remain at the screening station. An alarm may be a planned distraction.

26.2 In the event of a perimeter alarm, such as a person exiting or entering the building through an alarmed door, entrance-screening personnel shall respond to the point of the alarm, determine the nature of the situation, and take steps to correct the situation. These actions may include determining what occurred and who is responsible, resetting the alarm, securing the door, and issuing a citation to the offender.

- 26.3 During emergency events such as fire, bomb threat, natural disaster, entrance-screening personnel will assist with the orderly evacuation of the Court Facility. This includes preventing persons from entering the facility and coordinating the response of emergency personnel and equipment into the facility.
- 26.4 During an emergency event such as escape attempt, hostage incident, weapons incident, or any other major criminal incident, entrance-screening personnel will lock the doors and secure the perimeter until safety and order is re-established.

APPROVED BY:  
GARY PHILP, Sheriff

DATE APPROVED: \_\_\_\_\_

## **HCSO Risk Assessment.pdf**



## HUMBOLDT COUNTY SHERIFF'S OFFICE RISK ASSESSMENT

|                                                                                                                                                |     |                         |              |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------|--------------|
| Date:                                                                                                                                          |     | Requesting unit/agency: |              |
| Situation/Mission type:<br><br>See attached for further                                                                                        |     |                         |              |
| Location address and description<br><br>Known hazards/fortifications/surveillance/dogs:                                                        |     |                         |              |
| Photograph available?                                                                                                                          | Yes | No                      | See attached |
| Suspect(s):<br><br>Photograph available?      Yes      No      See attached                                                                    |     |                         |              |
| Is suspect wanted?                                                                                                                             | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| Is suspect believed to be armed?                                                                                                               | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| Has suspect made any threats?                                                                                                                  | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| Does suspect have a history of violence, resisting, and/or flight from LE?                                                                     | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| Does suspect have any mental health/emotional stability issues:                                                                                | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| Does suspect have a history of drugs/alcohol use/abuse?                                                                                        | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| Does suspect have any specialized law enforcement/military training or equipment?                                                              | Yes | No                      |              |
| Details:                                                                                                                                       |     |                         |              |
| See attached for further                                                                                                                       |     |                         |              |
| Other possible persons at location:<br>Children   Elderly   Mentally Ill   Handicap   Drug Users   Other   See attached for further<br>Details |     |                         |              |
| Criminal history checked?                                                                                                                      | Yes | No                      |              |
| Relevant findings and dates:<br><br>See attached for further                                                                                   |     |                         |              |

|                                                                                                                                                                                                       |     |    |                  |                              |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|------------------|------------------------------|----|
| <b>Probation/Parole/PRCS?</b><br>If yes, describe:<br><br>See attached for further                                                                                                                    |     |    |                  | Yes                          | No |
| <b>Gang member?</b><br>Gang affiliation:                                                                                                                                                              |     |    |                  | Yes                          | No |
| <b>AFS check?</b><br>Results:                                                                                                                                                                         |     |    |                  | Yes                          | No |
| <b>WSIN check?</b><br>Results:                                                                                                                                                                        |     |    |                  | Yes                          | No |
| <b>Warrant signed?</b><br>Type of warrant(s)?                                                                                                                                                         | Yes | No | <b>Warrant #</b> | <b>Night service?</b><br>Yes | No |
| <b>Will location be surveilled until arrival?</b><br>Details:                                                                                                                                         |     |    |                  | Yes                          | No |
| Is this location near a school, business, day care center, etc. that will be in service at the time?<br>Details:                                                                                      |     |    |                  | Yes                          | No |
| Is the location in or near a commercial district, high traffic area, or heavily populated area?<br>Details:                                                                                           |     |    |                  | Yes                          | No |
| Based on above, can this operation be conducted at another time?<br>Details:                                                                                                                          |     |    |                  | Yes                          | No |
| Does this operation require any specialized tools, training, tactics, and/or technology?<br>Details:                                                                                                  |     |    |                  | Yes                          | No |
| Does the operation require any additional resources?<br>Details:                                                                                                                                      |     |    |                  | Yes                          | No |
| See attached for further                                                                                                                                                                              |     |    |                  |                              |    |
| <b>Completed by:</b>                                                                                                                                                                                  |     |    |                  | <b>Signature:</b>            |    |
| <u><b>Supervisor Recommendation</b></u><br>Unit Service (no need to forward)<br>SWAT Consultation (forward)<br>SWAT Activation (forward)<br><b>Supervisor:</b>                                        |     |    |                  |                              |    |
|                                                                                                                                                                                                       |     |    |                  | <b>Signature:</b>            |    |
| <u><b>Administrator Recommendation</b></u><br>Unit Service (return to supervisor)<br>SWAT Consultation (call to CRU Commander)<br>SWAT Activation (forward to CRU Commander)<br><b>Administrator:</b> |     |    |                  |                              |    |
|                                                                                                                                                                                                       |     |    |                  | <b>Signature:</b>            |    |
| <u><b>CRU Commander Recommendation</b></u><br>Unit Service (return to supervisor)<br>SWAT Activation (Notify TL and Executive Command)<br><b>CRU Commander:</b>                                       |     |    |                  |                              |    |
|                                                                                                                                                                                                       |     |    |                  | <b>Signature:</b>            |    |
| <u><b>Executive Approval</b></u> (not needed for in progress incident)                                                                                                                                |     |    |                  |                              |    |
| <b>Name:</b>                                                                                                                                                                                          |     |    |                  | <b>Signature:</b>            |    |

## **PC 633.8 designated officers.pdf**





825 Fifth Street, Fourth Floor  
Eureka, CA 95501  
TEL 707.445.7411  
FAX 707.445.7416  
districtattorney@co.humboldt.ca.us

**Maggie Fleming**  
District Attorney

August 31, 2022

Sheriff William Honsal  
Humboldt County Sheriff's Office  
826 Fourth Street  
Eureka, CA 95501

Dear Sheriff Honsal:

Penal Code section 633.8 authorizes designated peace officers to use, or authorize the warrantless use of, an electronic amplifying or recording device to eavesdrop on or record oral communication in an emergency hostage or barricade situation. Only a peace officer who has been designated by either the District Attorney in the county where the emergency exists, or by the Attorney General, may make use of Penal Code section 633.8.

The warrantless use of an eavesdropping device under Penal Code section 633.8 requires the satisfaction of the following conditions:

The designated officer reasonably determines that an emergency situation exists involving the taking of a hostage or the barricading of a location, and the immediate danger of death or serious physical injury to any person within the meaning of section 2518(7)(a)(i) of Title 18 of the United States Code\*.

The designated officer reasonably determines that the emergency situation requires immediate eavesdropping on oral communications.

There are grounds upon which an order could be obtained pursuant to section 2516(2) of Title 18 of the United States Code, in regard to the offenses enumerated therein.\*\*

So long as the conditions of Penal Code section 633.8 are satisfied, a peace officer is not required to knock and announce his or her presence before entering and installing the eavesdropping device.

Note that within 48 hours after an eavesdropping device is deployed under Penal Code section 633.8, the statute requires an application for an order approving the eavesdropping in compliance with Penal Code section 629.50.

The below listed law enforcement personnel, when acting as a representative of their agency, are the designated peace officers for the Humboldt County Sheriff's Office pursuant to Penal Code section 633.8.

Designated Peace Officers per Penal Code section 633.8:

- 1) Sheriff Honsal
- 2) Undersheriff JD Braud
- 3) Capt. Bryan Quenell
- 4) Lt. Jesse Taylor
- 5) Lt. Kevin Miller
- 6) Lt. Sam Williams
- 7) Lt. Josh McCall

Please contact District Attorney Maggie Fleming, with any questions regarding Penal Code section 633.8. Also, in order to maintain a current record of designees, please contact District Attorney Fleming or Assistant District Attorney Stacey Eads with the names of the Humboldt County Sheriff's peace officers that should be removed from or added to the Penal Code section 633.8 designated officer list.

Sincerely,



MAGGIE FLEMING  
District Attorney

*\*section 2518(7)(a)(i) of Title 18 of the United States Code- states:*

- (7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that*
- (a) an emergency situation exists that involves -*
- (i) immediate danger of death or serious physical injury to any person*

*\*\*section 2516(2) of Title 18 of the United States Code-states:*

- (2) The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications, may apply to such judge for, and such judge may grant in conformity with section 2518 of this*

*chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications, may apply to such judge for, an such judge may grant in conformity with section 2518 of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb or property, and punishable by imprisonment for more than one year, **designated in any applicable State statute authorizing such interception** {emphasis added} or any conspiracy to commit any of the foregoing offenses.*

## **Statutes and Legal Requirements.pdf**

---

## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

---

## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

## **Supplemental Hate Crime Report.pdf**



☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

**VICTIM**

**VICTIM TYPE**

☐ Individual

Legal name (Last, First): \_\_\_\_\_

Date of Birth

Age

Sex

Race

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Date and time of report: \_\_\_\_\_

Location of report: \_\_\_\_\_

Agency Case #: \_\_\_\_\_

☐ School, business or organization

Name: \_\_\_\_\_

Type: \_\_\_\_\_  
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: \_\_\_\_\_

Faith: \_\_\_\_\_

☐ Other

Name: \_\_\_\_\_

Type: \_\_\_\_\_

Address: \_\_\_\_\_

**NATURE OF CALL FOR SERVICE (check all that apply)**

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other \_\_\_\_\_

**BIAS**

**TYPE OF BIAS**

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense

(e.g., 9/11, holy days)

☐ Association with a person or group with  
one or more of these characteristics  
(actual or perceived)

☐ Other: \_\_\_\_\_

**ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT**

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated  
characteristic(s)].

**REASON FOR BIAS:**

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an  
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group  
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

**BIAS INDICATORS (CHECK ALL THAT APPLY):**

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: \_\_\_\_\_



**SUPPLEMENTAL HATE CRIME REPORT**

POST 2-365 (01/2023) Page 2 of 2

**HISTORY****SUSPECT INFORMATION**Legal name (Last, First):  
\_\_\_\_\_Other Names used (AKA):  
\_\_\_\_\_

| Date of Birth | Age | Sex | Race |
|---------------|-----|-----|------|
|               |     |     |      |

Relationship to Victim:  
\_\_\_\_\_**RELATIONSHIP BETWEEN SUSPECT & VICTIM**Suspect known to victim: ☐ Yes ☐ NoNature of relationship:  
\_\_\_\_\_

Length of relationship: \_\_\_\_\_

☐ Prior reported incidents with suspect: *Total #* \_\_\_\_\_

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown**WEAPONS/FORCE**Weapon(s) used during incident? ☐ Yes ☐ No Type: \_\_\_\_\_Force used during incident? ☐ Yes ☐ No Type: \_\_\_\_\_**EVIDENCE**Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ NoEvidence collected? ☐ Yes ☐ No Recordings: ☐ Video ☐ Audio ☐ BookedPhotos taken? ☐ Yes ☐ No Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known**RESOURCES**Resources offered at scene: ☐ Yes ☐ No☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: \_\_\_\_\_**MEDICAL****Victim****Suspect**☐☐

Declined medical treatment

☐☐

Will seek own medical treatment

☐☐

Received medical treatment

☐☐

Injuries observed

**Completed by****Date**

Name/Title/ID number

# Humboldt County SO Policy Manual

Humboldt County SO Policy Manual

## INDEX / TOPICS

### A

|                                                        |          |
|--------------------------------------------------------|----------|
| ACCOUNTABILITY TO SUPERVISOR. . . . .                  | 22       |
| ACKNOWLEDGEMENTS                                       |          |
| Policy manual. . . . .                                 | 16       |
| Policy revisions. . . . .                              | 16       |
| ADMINISTRATIVE INVESTIGATIONS                          |          |
| Recorded media files. . . . .                          | 445      |
| Vehicle damage. . . . .                                | 604      |
| AIRCRAFT                                               |          |
| Accidents. . . . .                                     | 420      |
| Ambulance. . . . .                                     | 483      |
| ALCOHOL. . . . .                                       | 742      |
| ALCOHOL                                                |          |
| Vehicle use. . . . .                                   | 601      |
| ALCOHOL, INTOXICANTS. . . . .                          | 184      |
| ALCOHOL AND DRUGS. . . . .                             | 89       |
| ALCOHOL USE. . . . .                                   | 742      |
| AMMUNITION. . . . .                                    | 89       |
| AMMUNITION                                             |          |
| Gun violence restraining order surrenders. . . . .     | 279      |
| ANIMALS. . . . .                                       | 669      |
| Line-of-duty deaths. . . . .                           | 863      |
| APPOINTMENTS                                           |          |
| Chaplain coordinator. . . . .                          | 237      |
| Communications supervisor. . . . .                     | 623      |
| Community relations coordinator. . . . .               | 282      |
| Coordinator - portable audio/video recorders . . . . . | 446      |
| Forfeiture reviewer. . . . .                           | 555      |
| Operations director. . . . .                           | 574      |
| Petty cash fund manager. . . . .                       | 606      |
| Reserve coordinator. . . . .                           | 205      |
| ARRESTS                                                |          |
| First amendment assemblies. . . . .                    | 474, 476 |
| Log. . . . .                                           | 196      |
| ASSET FORFEITURE. . . . .                              | 552      |
| AUDIO/VIDEO RECORDING                                  |          |
| Body-worn cameras. . . . .                             | 442      |
| Custodial interrogation. . . . .                       | 539      |
| AUDITS                                                 |          |
| Petty cash. . . . .                                    | 606      |
| Public safety video surveillance. . . . .              | 245      |
| AUTHORITY                                              |          |
| Canine handler. . . . .                                | 261      |
| Policy manual. . . . .                                 | 14       |
| AUTHORITY, ETHICS. . . . .                             | 180      |

|                                                    |     |
|----------------------------------------------------|-----|
| AUTOMATED LICENSE PLATE READERS<br>(ALPR). . . . . | 498 |
|----------------------------------------------------|-----|

### B

|                                         |          |
|-----------------------------------------|----------|
| BADGE. . . . .                          | 835      |
| BATON. . . . .                          | 64       |
| BIOLOGICAL SAMPLES. . . . .             | 233      |
| BIOLOGICAL SAMPLES                      |          |
| Hazards. . . . .                        | 421, 852 |
| BODY ARMOR. . . . .                     | 771      |
| BODY-WORN CAMERAS. . . . .              | 442      |
| BOMBS                                   |          |
| Aircraft accidents. . . . .             | 421      |
| Chaplains. . . . .                      | 239      |
| MDT/MDC. . . . .                        | 441      |
| Portable audio/video recorders. . . . . | 444      |
| BRADY MATERIAL. . . . .                 | 569      |
| BREATH TEST. . . . .                    | 526      |
| BUCCAL SWABS. . . . .                   | 233      |

### C

|                                                    |     |
|----------------------------------------------------|-----|
| CANINES                                            |     |
| Pursuits. . . . .                                  | 456 |
| CASH HANDLING, SECURITY AND<br>MANAGEMENT. . . . . | 606 |
| CHAPLAINS. . . . .                                 | 236 |
| CHILD ABUSE. . . . .                               | 140 |
| CHILDREN                                           |     |
| Transporting. . . . .                              | 769 |
| CITATIONS. . . . .                                 | 513 |
| CIVIL                                              |     |
| Subpoenas. . . . .                                 | 202 |
| CIVIL DISPUTES. . . . .                            | 488 |
| CIVILIAN/NONSWORN                                  |     |
| Crisis intervention incidents. . . . .             | 467 |
| CIVILIAN/NON-SWORN. . . . .                        | 14  |
| CODE-3. . . . .                                    | 98  |
| COMMAND PROTOCOL. . . . .                          | 22  |
| COMMAND STAFF                                      |     |
| Policy review. . . . .                             | 16  |
| COMMENDATIONS AND AWARDS. . . . .                  | 779 |
| COMMUNICABLE DISEASE                               |     |
| Health orders. . . . .                             | 354 |
| COMMUNICABLE DISEASES                              |     |
| Confidentiality. . . . .                           | 751 |
| Counseling. . . . .                                | 751 |
| COMMUNICABLE DISEASES                              |     |
| Illness and injury prevention. . . . .             | 848 |
| COMMUNICATIONS CENTER                              |     |

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Humboldt County SO Policy Manual

---

|                                                    |     |
|----------------------------------------------------|-----|
| Crisis intervention incidents. . . . .             | 466 |
| COMMUNICATIONS CENTER                              |     |
| Foot pursuits. . . . .                             | 459 |
| Mandatory sharing. . . . .                         | 211 |
| COMMUNITY ADVISORY COMMITTEE.                      | 285 |
| COMMUNITY RELATIONS. . . . .                       | 282 |
| COMPUTERS                                          |     |
| Digital evidence. . . . .                          | 542 |
| CONDUCT                                            |     |
| Meritorious. . . . .                               | 780 |
| OIS. . . . .                                       | 81  |
| Standards of conduct. . . . .                      | 182 |
| CONFIDENTIALITY                                    |     |
| ALPR. . . . .                                      | 498 |
| Chaplains. . . . .                                 | 240 |
| Communications center. . . . .                     | 627 |
| Radio broadcasts. . . . .                          | 440 |
| Surreptitious recording. . . . .                   | 444 |
| CONTACTS AND TEMPORARY DETENTIONS                  |     |
| Warrant service. . . . .                           | 576 |
| CONTROL DEVICES. . . . .                           | 63  |
| CONTROL DEVICES. . . . .                           | 63  |
| CONTROL DEVICES                                    |     |
| First amendment assemblies. . . . .                | 475 |
| Training. . . . .                                  | 403 |
| CORRESPONDENCE. . . . .                            | 30  |
| COURT APPEARANCE. . . . .                          | 200 |
| COURT ORDERS                                       |     |
| Gun violence restraining order surrenders. . . . . | 279 |
| Subpoenas. . . . .                                 | 200 |
| Surreptitious recording. . . . .                   | 444 |
| COURT ORDERS, CIVIL DISPUTES. . . . .              | 489 |
| COURTROOM ATTIRE. . . . .                          | 203 |
| CRIME ANALYSIS. . . . .                            | 622 |
| CRIME SCENE AND DISASTER                           |     |
| INTEGRITY. . . . .                                 | 353 |
| CRIMINAL STREET GANGS. . . . .                     | 429 |
| CRISIS INTERVENTION INCIDENTS. . . . .             | 464 |
| CRISIS NEGOTIATION TEAM. . . . .                   | 355 |
| CRISIS RESPONSE UNIT. . . . .                      | 355 |
| CUSTODIAL INTERROGATIONS. . . . .                  | 539 |

## D

|                                     |     |
|-------------------------------------|-----|
| DAMAGE BY COUNTY PERSONNEL. . . . . | 193 |
| DEATH                               |     |
| Chaplains. . . . .                  | 239 |
| DEATH INVESTIGATION. . . . .        | 217 |
| DEBRIEFING                          |     |
| Warrant service. . . . .            | 576 |
| DECONFLICTION. . . . .              | 580 |
| DECONTAMINATION. . . . .            | 747 |

|                                    |     |
|------------------------------------|-----|
| DEFINITIONS. . . . .               | 14  |
| DEPARTMENTAL DIRECTIVES. . . . .   | 23  |
| DEPARTMENT OWNED PROPERTY. . . . . | 589 |
| DEPARTMENT PROPERTY                |     |
| Loss Or Damage. . . . .            | 590 |
| DISABLED                           |     |
| Motorist. . . . .                  | 535 |
| DISASTER PLAN. . . . .             | 24  |
| DISCIPLINE. . . . .                | 179 |
| DISCLAIMER. . . . .                | 14  |
| DNA SAMPLES. . . . .               | 233 |
| DRIVING                            |     |
| MDT/MDC. . . . .                   | 440 |
| DRIVING, SAFETY SAFETY, CONDUCT    |     |
| FIREARMS, CONDUCT. . . . .         | 183 |
| DRUG USE. . . . .                  | 742 |
| DUI ENFORCEMENT. . . . .           | 525 |
| DUTY WEAPONS. . . . .              | 88  |

## E

|                                           |     |
|-------------------------------------------|-----|
| ELECTRO-MUSCULAR DISRUPTION               |     |
| TECHNOLOGY DEVICE. . . . .                | 69  |
| ELECTRONIC CIGARETTES. . . . .            | 758 |
| ELECTRONIC MAIL. . . . .                  | 28  |
| EMERGENCY MANAGEMENT PLAN. . . . .        | 24  |
| EVIDENCE                                  |     |
| Digital. . . . .                          | 542 |
| Public Safety Video Surveillance. . . . . | 244 |
| Seizing recordings. . . . .               | 470 |
| EVIDENCE, BOMBS. . . . .                  | 388 |
| EXPLOSIONS. . . . .                       | 387 |
| EXPOSURE CONTROL                          |     |
| Reviews. . . . .                          | 848 |

## F

|                                          |     |
|------------------------------------------|-----|
| FIELD SOBRIETY TESTS. . . . .            | 525 |
| FIREARMS                                 |     |
| Qualifications. . . . .                  | 92  |
| FIREARMS                                 |     |
| Destruction of animals. . . . .          | 673 |
| Removal for vehicle maintenance. . . . . | 596 |
| Retiree. . . . .                         | 38  |
| FIREARM SERIAL NUMBERS. . . . .          | 643 |
| FITNESS FOR DUTY. . . . .                | 791 |
| FORCE. . . . .                           | 56  |
| FOREIGN DIPLOMATIC AND CONSULAR          |     |
| REPRESENTIVES. . . . .                   | 397 |

## G

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Humboldt County SO Policy Manual

---

|                               |     |
|-------------------------------|-----|
| GANGS. . . . .                | 429 |
| GRIEVANCE PROCEDURE. . . . .  | 734 |
| GRIEVANCES                    |     |
| Supervisor authority. . . . . | 14  |
| GROOMING STANDARDS. . . . .   | 808 |

## H

|                                         |     |
|-----------------------------------------|-----|
| HAZARDOUS MATERIAL (HAZMAT)<br>RESPONSE |     |
| Aircraft accidents. . . . .             | 421 |
| HAZARDS. . . . .                        | 850 |
| HELICOPTER ASSISTANCE. . . . .          | 424 |
| HOMELESS. . . . .                       | 461 |

## I

|                                                       |          |
|-------------------------------------------------------|----------|
| IDENTITY THEFT. . . . .                               | 220      |
| INFORMATION TECHNOLOGY USE<br>TECHNOLOGY USE. . . . . | 187      |
| INSPECTIONS                                           |          |
| Illness and injury prevention. . . . .                | 848, 851 |
| Personal protective equipment. . . . .                | 851      |
| Vehicles. . . . .                                     | 599, 851 |
| INVESTIGATION AND PROSECUTION. . . . .                | 539      |

## J

|                             |     |
|-----------------------------|-----|
| JURISDICTION                |     |
| Aircraft accidents. . . . . | 421 |
| OI. . . . .                 | 80  |

## K

|                              |     |
|------------------------------|-----|
| KEYS                         |     |
| Vehicle. . . . .             | 600 |
| KINETIC PROJECTILES. . . . . | 66  |

## L

|                                      |     |
|--------------------------------------|-----|
| LIMITED ENGLISH PROFICIENCY. . . . . | 223 |
| LIMITED ENGLISH PROFICIENCY          |     |
| Communications center. . . . .       | 625 |
| Eyewitness identification. . . . .   | 565 |

## M

|                                      |     |
|--------------------------------------|-----|
| MANDATORY APPEARANCE. . . . .        | 200 |
| MANUALS. . . . .                     | 24  |
| MDT. . . . .                         | 438 |
| Emergency Activation. . . . .        | 439 |
| MDT/MDC                              |     |
| Use. . . . .                         | 600 |
| Vehicles. . . . .                    | 600 |
| MEAL PERIODS AND BREAKS. . . . .     | 794 |
| MEDIA                                |     |
| Aircraft accidents. . . . .          | 422 |
| MEDIA RELATIONS. . . . .             | 85  |
| MEDICAL                              |     |
| Aircraft accidents. . . . .          | 420 |
| For canines. . . . .                 | 266 |
| Releases. . . . .                    | 483 |
| MEMORANDUMS. . . . .                 | 30  |
| MINIMUM STAFFING. . . . .            | 43  |
| MOBILE AUDIO VIDEO. . . . .          | 491 |
| MOBILE DIGITAL TERMINAL USE. . . . . | 438 |
| MODIFIED-DUTY ASSIGNMENTS. . . . .   | 837 |
| MUTUAL AID                           |     |
| Warrant service. . . . .             | 576 |

## N

|                             |     |
|-----------------------------|-----|
| NONSWORN                    |     |
| Vehicles. . . . .           | 601 |
| NOTIFICATIONS               |     |
| Aircraft accidents. . . . . | 421 |
| Cash. . . . .               | 607 |
| Impaired driving. . . . .   | 527 |
| Sick leave. . . . .         | 745 |

## O

|                                                   |          |
|---------------------------------------------------|----------|
| OATH OF OFFICE. . . . .                           | 13       |
| OC SPRAY. . . . .                                 | 65       |
| OFFICER-INVOLVED SHOOTING (OIS). . . . .          | 76       |
| OFFICER SAFETY                                    |          |
| Communications center. . . . .                    | 625, 627 |
| Crime scene and disaster integrity. . . . .       | 353      |
| Foot pursuits. . . . .                            | 456      |
| LEOSA. . . . .                                    | 38       |
| Occupational hazards. . . . .                     | 850      |
| Seat belts. . . . .                               | 769      |
| Warrant service. . . . .                          | 574      |
| OPERATIONS PLANNING AND<br>DECONFLICTION. . . . . | 578      |
| ORGANIZATIONAL STRUCTURE. . . . .                 | 19       |
| OUTSIDE AGENCY ASSISTANCE. . . . .                | 210      |
| OUTSIDE EMPLOYMENT. . . . .                       | 800      |

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Humboldt County SO Policy Manual

---

|                                        |     |
|----------------------------------------|-----|
| Change in Status. . . . .              | 803 |
| Obtaining Approval. . . . .            | 800 |
| Prohibited Outside Employment. . . . . | 801 |
| Security Employment. . . . .           | 801 |
| OVERTIME                               |     |
| Court. . . . .                         | 203 |
| OVERTIME PAYMENT. . . . .              | 798 |

## P

|                                        |     |
|----------------------------------------|-----|
| PARKING. . . . .                       | 601 |
| PAS. . . . .                           | 530 |
| PEPPER PROJECTILES. . . . .            | 65  |
| PEPPER SPRAY. . . . .                  | 65  |
| PERFORMANCE EVALUATIONS                |     |
| Sick leave. . . . .                    | 746 |
| PERSONAL PROPERTY. . . . .             | 589 |
| Loss Or Damage. . . . .                | 590 |
| PERSONAL PROTECTIVE EQUIPMENT. . . . . | 608 |
| PERSONNEL COMPLAINTS                   |     |
| Portable audio/video review. . . . .   | 445 |
| PERSONNEL RECORDS. . . . .             | 647 |
| PERSONNEL RECORDS. . . . .             | 773 |
| PHOTOGRAPHS                            |     |
| Aircraft accidents. . . . .            | 422 |
| POLICY MANUAL. . . . .                 | 14  |
| POLITICAL ACTIVITY. . . . .            | 846 |
| POLITICAL ENDORSEMENTS. . . . .        | 846 |
| PRIVACY EXPECTATIONS                   |     |
| Audio/video recordings. . . . .        | 442 |
| MDT/MDC. . . . .                       | 439 |
| Vehicles. . . . .                      | 599 |
| PRIVATE PERSONS ARRESTS. . . . .       | 221 |
| PROTECTED INFORMATION                  |     |
| Communications center. . . . .         | 627 |
| PUBLIC RECORDING OF LAW                |     |
| ENFORCEMENT ACTIVITY. . . . .          | 469 |
| PUBLIC SAFETY VIDEO SURVEILLANCE       | 242 |
| PURSUIITS                              |     |
| Foot. . . . .                          | 456 |

## R

|                                        |     |
|----------------------------------------|-----|
| RAPID RESPONSE AND DEPLOYMENT. . . . . | 401 |
| RECORDS BUREAU                         |     |
| Administrative hearings. . . . .       | 530 |
| Impaired driving. . . . .              | 530 |
| Suspicious activity reports. . . . .   | 481 |
| RECORDS RELEASE                        |     |
| ALPR. . . . .                          | 501 |
| Audio/video recordings. . . . .        | 447 |

|                                           |     |
|-------------------------------------------|-----|
| Child deaths. . . . .                     | 147 |
| Public safety video surveillance. . . . . | 245 |
| RECORDS RETENTION                         |     |
| Epinephrine auto-injectors. . . . .       | 486 |
| Illness and injury prevention. . . . .    | 852 |
| Oath of office. . . . .                   | 13  |
| Personal protective equipment. . . . .    | 611 |
| RELEASE OF RECORDS & INFORMATION          |     |
| Arrest Reports. . . . .                   | 647 |
| Processing Requests. . . . .              | 645 |
| RELEASE OF RECORDS & INFORMATION          |     |
| Personnel Records. . . . .                | 647 |
| REPORT CORRECTIONS. . . . .               | 194 |
| REPORTING POLICE ACTIVITY. . . . .        | 404 |
| REPORT PREPARATION. . . . .               | 191 |
| RESERVE DEPUTIES                          |     |
| Firearms Requirements. . . . .            | 208 |
| Training. . . . .                         | 206 |
| RESERVE OFFICERS/DEPUTIES. . . . .        | 204 |
| RESPIRATORY PROTECTION. . . . .           | 609 |
| RESPONSE TO CALLS. . . . .                | 98  |
| REVIEWS                                   |     |
| Crisis intervention incidents. . . . .    | 467 |
| Exposures. . . . .                        | 848 |
| Illness and injury prevention. . . . .    | 848 |
| Policy manual. . . . .                    | 16  |
| Portable audio/video. . . . .             | 445 |
| Public records on social media. . . . .   | 273 |
| RIDE-ALONG. . . . .                       | 373 |
| Eligibility. . . . .                      | 373 |
| RISK ASSESSMENT. . . . .                  | 578 |
| ROLL CALL TRAINING. . . . .               | 352 |

## S

|                                          |     |
|------------------------------------------|-----|
| SAFETY                                   |     |
| Canine. . . . .                          | 600 |
| Communications center. . . . .           | 623 |
| First responder. . . . .                 | 353 |
| Inspections (occupations). . . . .       | 851 |
| Personal protective equipment. . . . .   | 608 |
| SAFETY EQUIPMENT                         |     |
| First amendment assemblies. . . . .      | 474 |
| Seat belts. . . . .                      | 769 |
| SCHOOL EMPLOYEE REPORTING. . . . .       | 231 |
| SEARCH & SEIZURE. . . . .                | 109 |
| SEARCHES                                 |     |
| Crime scene. . . . .                     | 353 |
| Gun violence restraining orders. . . . . | 278 |
| Police vehicle inspections. . . . .      | 599 |
| SEARCH WARRANTS. . . . .                 | 574 |
| SECURITY EMPLOYMENT. . . . .             | 801 |

# Humboldt County Sheriff's Office

## Humboldt County SO Policy Manual

### Humboldt County SO Policy Manual

---

|                                        |     |
|----------------------------------------|-----|
| SHERIFF CANDIDATE. . . . .             | 12  |
| SMOKING AND TOBACCO USE. . . . .       | 758 |
| SOCIAL MEDIA. . . . .                  | 271 |
| SOCIAL NETWORKING. . . . .             | 844 |
| STAFFING LEVELS. . . . .               | 43  |
| STANDARDS OF CONDUCT. . . . .          | 178 |
| STANDBY. . . . .                       | 200 |
| SUBPOENAS. . . . .                     | 200 |
| Acceptance. . . . .                    | 200 |
| Failure To Appear. . . . .             | 201 |
| SUBPOENAS. . . . .                     | 201 |
| SUCCESSION OF COMMAND. . . . .         | 22  |
| SUPERVISION DEPLOYMENTS. . . . .       | 43  |
| SUSPICIOUS ACTIVITY REPORTING. . . . . | 480 |

## T

|                                                 |     |
|-------------------------------------------------|-----|
| TAKE HOME VEHICLES. . . . .                     | 602 |
| TEAR GAS. . . . .                               | 64  |
| TOLL ROADS. . . . .                             | 605 |
| TRAFFIC FUNCTION AND<br>RESPONSIBILITY. . . . . | 512 |
| TRAFFIC OFFICER/DEPUTY. . . . .                 | 512 |
| TRAINING                                        |     |
| SWAT. . . . .                                   | 358 |
| TRAINING                                        |     |
| ALPR. . . . .                                   | 501 |
| Canine. . . . .                                 | 267 |
| Chaplains. . . . .                              | 240 |
| Dispatcher. . . . .                             | 628 |
| Hazardous materials. . . . .                    | 852 |
| Impaired driving. . . . .                       | 531 |
| Occupational safety. . . . .                    | 852 |
| Operation planning and deconfliction. . . . .   | 583 |
| Personal protective equipment. . . . .          | 612 |
| Personnel records. . . . .                      | 774 |
| Public safety video surveillance. . . . .       | 245 |
| Rapid response and deployment. . . . .          | 403 |
| Shared equipment and supplies. . . . .          | 211 |
| Social media. . . . .                           | 273 |
| Warrant service. . . . .                        | 577 |
| TRAINING PLAN. . . . .                          | 25  |
| TRAINING POLICY. . . . .                        | 25  |

## U

|                                 |     |
|---------------------------------|-----|
| UNIFORMS                        |     |
| Chaplains. . . . .              | 237 |
| Courtroom attire. . . . .       | 203 |
| UNITY OF COMMAND. . . . .       | 22  |
| UNMANNED AERIAL SYSTEM. . . . . | 571 |

|                                     |     |
|-------------------------------------|-----|
| USE OF FORCE                        |     |
| First amendment assemblies. . . . . | 475 |
| USE OF SOCIAL MEDIA. . . . .        | 271 |

## V

|                              |     |
|------------------------------|-----|
| VEHICLE MAINTENANCE. . . . . | 596 |
| VEHICLES                     |     |
| Impound hearings. . . . .    | 523 |
| VICTIM WITNESS. . . . .      | 164 |

## W

|                           |     |
|---------------------------|-----|
| WARNINGS                  |     |
| Canine. . . . .           | 263 |
| WARRANT SERVICE. . . . .  | 574 |
| WATCH COMMANDERS. . . . . | 434 |