

# Nevada County Sheriff's Office

## Policy Manual

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### **SHERIFF'S PREFACE**

The Nevada County Sheriff's Office serves the people of Nevada County by performing our public service and corrections functions in a professional manner. We are responsible to the people we serve. To provide quality service to the community, we must rely on sound leadership, guidance, and support. To this end, this Policy and Procedure Manual is adopted for all staff.

Each member of our Office must be familiar with the contents of the Manual. Additions or changes will be made from time to time. Violations of any portion of the Policy and Procedure Manual may result in disciplinary action.

Shannan Moon, Sheriff

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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 agency. 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.

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### **NEVADA COUNTY SHERIFF'S OFFICE - MISSION STATEMENT**

We are committed to providing excellence in public service in partnership with our community.

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

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

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

### 100.2 POLICY

It is the policy of the Nevada 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.

### 100.3 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.).

#### 100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE NEVADA COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Nevada 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.

#### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE NEVADA COUNTY SHERIFF'S OFFICE

The arrest authority outside the jurisdiction of the Nevada 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.

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### *Law Enforcement Authority*

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

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

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

#### 100.3.3 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).

#### 100.3.4 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.

#### 100.3.5 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:

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

Nevada 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.

#### **100.4 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 Nevada 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 Nevada 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 office. 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 office 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 Nevada 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 office administrative action, training or discipline. The Nevada 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.

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**CFR** - Code of Federal Regulations.

**County** - The County of Nevada County.

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

**Office/NCSO** - The Nevada County Sheriff's Office.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Office.

**Juvenile**- Any person under the age of 18 years.

**Manual** - The Nevada County Sheriff's Office Policy Manual.

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

**Member** - Any person employed or appointed by the Nevada 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 Nevada County Sheriff's Office.

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

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

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

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When there is only one office 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 the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

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

#### **103.6 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 office 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 DIVISIONS

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

- Administration Division
- Operations Division
- Corrections Division

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Records, Civil, Coroner, the Regional Dispatch Center, the Professional Standards Unit and the Sheriff's Property Unit.

### 200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, Investigations, Animal Control, and Volunteers.

### 200.2.3 CORRECTIONS DIVISION

The Corrections Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Corrections Division. The Corrections Division consists of the Wayne Brown Correctional Facility, Nevada City Court Holding Facility, Court Security, Truckee Jail, and Truckee Court Holding.

## 200.2 SHERIFF

The Sheriff is the County's Coroner and Public Administrator. The Sheriff is also responsible for keeping the peace (e.g., making arrests, responding to calls); attending the courts (e.g., superior court bailiffs); and operating the county jails.

## 200.3 UNDERSHERIFF

The Undersheriff is responsible for overseeing the administering and managing the divisions of the Sheriff's Office. In addition, the Undersheriff directly manages the Sheriff's Finance Unit.

## 200.5 COMMAND PROTOCOL

# Nevada County Sheriff's Office

## Policy Manual

### *Organizational Structure and Responsibility*

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#### 200.5.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Sheriff will designate the Undersheriff or, in the Undersheriff's absence, a Division Commander to serve as the acting Sheriff.

#### 200.5.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the 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, SED, Dive, CINT, FTO), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### 200.5.3 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 Command 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 COMMAND STAFF

The Command 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 Manager.

## 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 Sheriff's 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 Sheriff's 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 Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

Firearms qualifications.

POST mandated training.

Legal updates.

Any other training deemed necessary by the Sheriff.

### 203.5 TRAINING NEEDS ASSESSMENT

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

# Nevada County Sheriff's Office

## Policy Manual

### *Training*

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#### **203.6 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. Approved Leave
  - 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 Manager to attend the required training on an alternate date.

#### **203.7 DAILY TRAINING BULLETINS**

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

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

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

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

#### **203.8 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.

# Nevada County Sheriff's Office

## Policy Manual

### *Training*

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#### **203.9 TRAINING MANAGER**

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

##### **203.9.1 TRAINING RESTRICTION**

The Training Manager 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)).

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## Electronic Mail

### 204.1 PURPOSE AND SCOPE

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

### 204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over office networks are considered Sheriff's office records and therefore are Sheriff's office property. The Office 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 office system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Office. 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 Office'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 Office.

### 204.3 EMPLOYEE OBLIGATION

All employees are required to check their email at the beginning of their work day and prior to the end of their work day. All employees should respond to emails in an appropriate and timely fashion.

### 204.4 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 office 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.

# Nevada County Sheriff's Office

## Policy Manual

### *Electronic Mail*

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#### **204.5 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.

## **Administrative Communications**

### **205.1 PURPOSE AND SCOPE**

Effective communications within the Office are critical to the accomplishment of the mission of the Office and the effective operation of the Office.

### **205.2 POLICY**

The Nevada County Sheriff's Office will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature, and disclaimer guidelines, as applicable.

### **205.3 DEPARTMENT EMAIL**

Department Email 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.

### **205.4 CORRESPONDENCE**

All office correspondence is to be written in a clear, concise manner, consistent with the report formats and guidelines prescribed in this policy and reflecting the highest possible quality in organization, grammar, punctuation, and spelling.

All external correspondence shall be on Office letterhead. All office letterhead, including all digital facsimiles of the letterhead, shall bear the signature element of the Sheriff or the authorized designee. Personnel should use office letterhead only for official business and with the approval of their supervisors.

All correspondence (including e-mails) received by the Sheriff's Office shall be responded to or acknowledged as soon as possible, but at least within ten (10) working days of receipt.

Higher quality paper shall be used for non-email correspondence sent outside the Sheriff's Office. Internal correspondence should use standard white copy paper.

Response to all correspondence received from elected officials, members of the Board of Supervisors, Sheriffs, Police Chiefs, and agency heads will be prepared for the Sheriff's signature unless otherwise directed.

#### **205.4.1 FORMAT**

All correspondence shall be prepared in full block style (blocked at the left-hand margin, in fully justified format). At least three (3) lines shall be carried over to the second and succeeding pages. Do not hyphenate the last word in a paragraph or on a page. Do not allow more than two consecutive lines to end in word divisions. The acceptable font is Arial, size 12. The font size may be adjusted up or down (11 or 13) in order to ensure the correct carry-over of lines to the next page. Footer to be on first page only (at the bottom of the page in the footer area). When attaching letterhead correspondence to an e-mail, the correspondence shall be converted to a PDF file first.

# Nevada County Sheriff's Office

## Policy Manual

### *Administrative Communications*

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Appropriate punctuation will be used in all letters, i.e., colon placed after the salutation and a comma after the complimentary close. The standard signature block and closing salutation as demonstrated in the attached sample shall be utilized on all letters. The second and successive pages of correspondence to be typed on the same type and color paper as the first page. The name of the letter recipient, date, and page number will be typed on the second and successive pages blocked at the upper left-hand margin.

Memoranda will be in the attached format with no need for a salutation or complimentary close. The second and successive pages of correspondence to be typed on the same type and color paper as the first page.

The name of the memo recipient, date, and page number will be typed on the second and successive pages blocked at the upper left-hand margin.

[See attachment: NCSO SHERIFF LETTER.pdf](#)

[See attachment: NCSO LETTER OTHER THAN SHERIFF.pdf](#)

[See attachment: NCSO SAMPLE LETTER WITH TWO PAGES.pdf](#)

[See attachment: NCSO SAMPLE MEMO.pdf](#)

#### **205.5 REVIEW / APPROVAL PROCESS**

All printed material for public dissemination will be reviewed and approved by the originator's Division Commander, whenever possible, before forwarding to the Sheriff for signature.

All correspondence affecting departmental policies or procedures shall be prepared for the Sheriff's signature and will be reviewed and approved by the originator's Division Commander prior to forwarding to the Sheriff.

All correspondence will be reviewed for form, content, grammar, spelling, and punctuation before forwarding to the Sheriff for signature. All correspondence returned by the Sheriff for correction will be returned to the appropriate correspondent for any revisions.

#### **205.6 SURVEYS**

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

#### **205.7 COMPLETED STAFF WORK**

All staff reports (i.e., reports assigned to a specific person for the purpose of responding to a problem or issue) shall incorporate the principle of completed staff work which requires the person to whom a task has been delegated to complete and document the delegated work to such an extent that the only thing left for the decision-maker to do is to approve or decline the recommendation. Staff reports that only point out weaknesses or merely suggest needed actions are not completed staff work and are not acceptable.

# Nevada County Sheriff's Office

## Policy Manual

### *Administrative Communications*

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The writer of the staff report should document the efforts made to have the report reviewed by or acted upon by those individuals representing work units or other entities likely to be affected by any proposed changes.

#### **205.8 INTRODUCTORY SUMMARY MEMORANDUMS**

Any memorandum that exceeds one page in length should contain a brief introductory summary section synthesizing the subject matter.

#### **205.9 ADMINISTRATIVE REPORT FORMAT**

All staff reports submitted via the chain of command to superior officers for further action should be written in accordance with the following format, when applicable.

**Executive Summary Section** - The staff report should begin with a brief statement of the problem or issue and what could be done about it. This summary should restate the main points of the report in general, nontechnical language, leaving out details. The length of the executive summary section should range from one paragraph to one page.

**Problem/Issue Identification Section** - This section of a staff report is critical to the success of the reader's ability to grasp the issues involved and to arrive at an informed decision. It should strive to identify the true nature and scope of the problem by identifying the known facts and background of the situation, including who has the problem, how long it has existed and the known or likely consequences of the problem.

**Forecast Future Impacts** - This section of the report should clearly define the problem and be accompanied by an analysis of relevant factors, supported by specific examples, details or testimony, clarifying what the problem is and why it exists. Generally, the reader should be able to leave this section of the report clearly understanding the issues involved and the consequences of taking no action.

**Alternatives Analysis Section** - Whenever the seriousness or complexity of a problem warrants the development of alternative solutions, a staff report should include a section containing a discussion of different courses of action and their consequences, taking into account the comments and positions of other staff members or entities affected by the response to the problem.

## Staffing Levels

### **206.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Office 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 Office.

### **206.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible.

#### **206.2.1 SUPERVISION DEPLOYMENTS**

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

With prior authorization from the Operations Division Commander, a deputy may act as the Shift Sergeant for a limited period of time .

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## 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 agency 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 agency to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

### 207.2 POLICY

The Nevada 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 Nevada County or meet the non-residential jurisdictional requirements (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., the Second Amendment Foundation, or the Firearms Policy Coalition and 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 Nevada County Sheriff's Office (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

# Nevada County Sheriff's Office

## Policy Manual

### *License to Carry a Firearm*

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#### 207.3.1 NON-RESIDENT APPLICANTS

Non-resident applicants are required to meet the resident criteria described in the Qualified Applicants section of this policy, where applicable, as well as the requirements in Penal Code § 26150(b) and Penal Code §26155(b).

#### 207.3.2 APPLICANT DISQUALIFICATION

The Office shall not issue a license when (Penal Code § 26195):

- (a) The applicant fails to comply with all reporting requirements concerning any restraining orders, arrests, convictions, or charges as specified in Penal Code § 26202.
- (b) The applicant knowingly provided false, inaccurate, or incomplete information in connection with any application for a license, license renewal, or license amendment pursuant to Penal Code § 26175(e).

#### **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., 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).

# Nevada County Sheriff's Office

## Policy Manual

### *License to Carry a Firearm*

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- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).
- (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. This shall include a final determination on whether the applicant is an unlawful user of or addicted to any controlled substance described in 18 USC 922 (g)(3) (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.

#### 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. The Sheriff may allow non-resident applicants to complete the psychological assessment virtually or at an approved location in the applicant's state of residence (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Office, which complies with Penal Code § 26165.
- (d) If requested, the applicant shall submit any firearm to be considered for a license to the 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 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:

# Nevada County Sheriff's Office

## Policy Manual

### *License to Carry a Firearm*

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- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
  - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
  - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
  - 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
  - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (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 AMENDMENTS TO LICENSES

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

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

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

# Nevada County Sheriff's Office

## Policy Manual

### *License to Carry a Firearm*

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#### 207.5.2 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 an application to amend a license was knowingly 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).
- (f) The licensee fails to notify the issuing office of a restraining order, arrest, charge, or conviction of a crime in Penal Code § 26202.

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).

#### 207.5.3 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 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.

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.

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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.

The Office shall not issue a renewal license unless confirmation has been received from the California DOJ that the applicant is eligible to possess, receive, own, or purchase a firearm (Penal Code § 26185).

#### **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 department 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 Nevada County (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

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- (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).

##### **207.9.2 ADDITIONAL REPORTING REQUIREMENTS**

The Office shall submit the required prescribed information in Penal Code § 26202(f) to the National Instant Criminal Background Check System Index within 5 days upon determination that an applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance (Penal Code § 26202(f)).

#### **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 Nevada 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 Nevada 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 Nevada 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 standards for qualification to carry a concealed 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.

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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 Nevada 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.

# Nevada County Sheriff's Office

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- (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 Shift Sergeant 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.

[See attachment: Retiree Attestation.pdf](#)

##### 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.
- (e) Undergo a fingerprint-based state and national criminal history background check when required by the Office (Penal Code § 26330).

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#### **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.

#### **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 Shift Sergeant 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 Shift Sergeant as soon as practicable. The Shift Sergeant 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.

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- (a) 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).
- (b) The Shift Sergeant should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff through the chain of command.
- (c) 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.
- (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Shift Sergeant should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Shift Sergeant 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 Rangemaster may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

## **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.

**Excessive force** - A level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by this section, or any other law or statute.

**Serious bodily injury** - "Serious bodily injury" means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ. (Ca. Gov. Code § 12525.2(d)(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).

**Carotid restraint** - 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.

**Choke hold** - Any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

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**Intercede** - Includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.

**Retaliation** - A demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.

### **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 shall carry out duties, including use of force, in a manner that is fair and unbiased.

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.

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 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.

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#### 300.2.3 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).

Per California Assembly Bill 1196 (Government Code 7286.5), the carotid restraint and choke hold are not authorized; however, it is not the intent of Assembly Bill 1196 to take away the general right to self-defense or defense of others against great bodily injury or death.

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 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

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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.
- (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.

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#### 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 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 Nevada County Sheriff's Office for this specific purpose.

#### 300.3.5 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 and feasible, deputies shall evaluate the totality of circumstances presented at the time in each situation and, when reasonable and feasible, shall determine and utilize reasonably available de-escalation techniques, crisis intervention tactics, and other alternatives, if any, 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)).

#### 300.3.6 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

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

#### **300.4 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).

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#### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

#### 300.4.2 DISPLAYING OF FIREARMS

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.

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- (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.
- (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 Section 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,

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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.

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.

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

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#### 300.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant 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).

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)).

Additionally, training should include training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

At least annually, the 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 POLICY/RECORDS AVAILABILITY**

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)). Any person seeking disclosure of public records in accordance with

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California Penal Code 832.7 may obtain them in compliance with the Sheriff's Office Personnel Records Policy. (Government Code § 7286(b)(6))

#### **300.11 USE OF FORCE COMPLAINTS**

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

#### **300.12 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)).

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## Handcuffing and Restraints

### 301.1 PURPOSE AND SCOPE

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

### 301.2 POLICY

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

### 301.3 USE OF RESTRAINTS

Only members who have successfully completed Nevada 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.

#### 301.3.1 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. A handcuffed detainee should never be left unattended; and the detainee's vital signs, consciousness, and breathing should always be monitored by a fully trained peace officer. Any signs of respiratory distress need to be properly acted upon by providing immediate first aid by the officer, and later examination and clearance by licensed medical personnel.

#### 301.3.2 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 restraints, waist chains, or handcuffs behind the body should

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not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themselves 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 determination that such restraints are necessary for the safety of the detainee, deputies, or others (Penal Code § 3407; Penal Code § 6030). See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

#### **301.3.3 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.

#### **301.3.4 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.

#### **301.4 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 over-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.

#### **301.5 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.

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

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

#### **301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

#### **301.7 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).

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

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

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- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their 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 their 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.

#### **301.8 REQUIRED DOCUMENTATION**

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.

#### **301.9 TRANSPORTS**

Any detainee who exhibits obvious signs of drug-induced psychosis, genetic psychosis, or other serious medical conditions must be evaluated by a physician prior to being transported to a correctional facility.

Detainees should not be left in Sheriff's Office vehicles for an extended period of time during very hot or very cold weather. When detainees are left in cars for a short period of time during hot weather, the vehicle shall be running with the air conditioning on or the windows shall be rolled down for ventilation if the vehicle is equipped with bars on the rear windows.

When an employee transports someone of the opposite sex, utilize time and mileage for both the protection of the employee and person being transported. Advise Dispatch that you are transporting a person of the opposite sex. Tell Dispatch your beginning mileage and what your

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destination will be. Dispatch will repeat your transmission and advise the time. At the end of your trip, give Dispatch your ending mileage. They will repeat your transmission and give the time. Confirm your times and mileage when your detail is completed. Possible exceptions include:

- (a) When transporting sheriff's office or other designated county employee(s);
- (b) When transporting a previously authorized ride-along.

#### **301.10 TRAINING**

The Training Manager should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

## Control Devices and Techniques

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

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

### 302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

Only deputies who have successfully completed office-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.

### 302.4 RESPONSIBILITIES

#### 302.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

#### 302.4.2 PERSONNEL SERGEANT RESPONSIBILITIES

The Personnel Sergeant 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 designated instructor for a particular control device. The inspection shall be documented.

#### 302.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Administrative Sergeant for disposition.

#### **302.5 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 issued holder. 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.

The straight baton and the side-handled baton, fixed or extendable, are authorized. They may be made of wood, plastic, or metal. Officers must be certified in the use of their particular batons.

#### **302.6 TEAR GAS GUIDELINES**

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

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

#### **302.7 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.

##### **302.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its issued holster. 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.

##### **302.7.2 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

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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.

#### **302.7.3 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.

#### **302.8 POST-APPLICATION NOTICE**

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

#### **302.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This office 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.

##### **302.9.1 DEPLOYMENT AND USE**

Only office-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.

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- (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.
- (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.

#### 302.9.2 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. 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.

#### 302.9.3 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.

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Conventional ammunition should never be loaded into a shotgun designated for kinetic energy projectiles.

#### **302.10 TRAINING FOR CONTROL DEVICES**

The Training Manager 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.

#### **302.11 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.

Penal Code (PC) section 13652.1(a) requires each law enforcement agency to "publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in [Penal Code] Section 13652, for crowd control," within 60 days of each incident. Law enforcement agencies "may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident."

For each incident reported under subdivision (a) of Penal Code section 13652.1, the summary shall include only the following:

- (a) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of deputies involved.
- (b) The type of kinetic energy projectile or chemical agent deployed.
- (c) The number of rounds or quantity of chemical agent dispersed, as applicable.
- (d) The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.
- (e) The justification for using the kinetic energy projectile or chemical agent, including any deescalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

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Law enforcement agencies with any reportable incidents pursuant to PC section 13652.1 should send to the California Department of Justice the link for the website where the required report is posted via CLEW.

## Conducted Energy Device

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

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

### 303.3 ISSUANCE AND CARRYING CEDS

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

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

Deputies shall only use the CED and cartridges that have been issued by the Office. Uniformed deputies who have been issued the CED shall wear the device in an approved holster. Non-uniformed deputies may secure the CED in the driver's compartment of their vehicles.

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

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

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

#### 303.3.1 USER RESPONSIBILITIES

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

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

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#### **303.4 VERBAL AND VISUAL WARNINGS**

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

The purpose of the warning is to:

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

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

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

#### **303.5 USE OF THE CED**

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

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

##### **303.5.1 APPLICATION OF THE CED**

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

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

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

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

##### **303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

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

- (a) Individuals who are known to be pregnant.

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- (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 capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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

#### 303.5.3 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.

#### 303.5.4 MULTIPLE APPLICATIONS OF THE CED

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.

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.

#### 303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### 303.5.6 DANGEROUS ANIMALS

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

#### 303.5.7 OFF-DUTY CONSIDERATIONS

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

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

### **303.6 DOCUMENTATION**

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

#### 303.6.1 REPORTS

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

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

### **303.7 MEDICAL TREATMENT**

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

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.

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- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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

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

#### **303.8 SUPERVISOR RESPONSIBILITIES**

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

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

#### **303.9 TRAINING**

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

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

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

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

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

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

The Training Manager should include the following training:

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

## Officer-Involved Shootings and Deaths

### 304.1 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 another action of an office member.

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

### 304.2 POLICY

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

### 304.3 TYPES OF INVESTIGATIONS

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

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

### 304.4 CONTROL OF INVESTIGATIONS

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

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

#### 304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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#### 304.4.2 CRIMINAL INVESTIGATION OF MEMBER ACTIONS

The control of the criminal investigation into the involved member's conduct during the incident will be determined by the employing agency's protocol. When a member 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.

#### 304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

### **304.5 INVESTIGATION PROCESS**

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

#### 304.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved NCSO 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.

#### 304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved NCSO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Identify involved members.
- (b) Attempt to obtain a brief overview of the situation from any uninvolved members.
- (c) In the event that there are no uninvolved members who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved member.
- (d) If necessary, the supervisor may administratively order any NCSO member to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

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- scene, identity of known or potential witnesses and any other pertinent information.
2. The initial on-scene supervisor should not attempt to order any involved member to provide any information other than public safety information.
- (e) Provide all available information to the Patrol Lieutenant and Regional Dispatch Center as necessary. If feasible, sensitive information should be communicated over secure networks.
  - (f) Take command of and secure the incident scene with additional NCSO members until properly relieved by another supervisor or other assigned personnel or investigator. Supervisors must ensure that the shooting scene is secured and evidence is maintained in its original location. They will assign a uniformed deputy to initiate and maintain a crime scene control log. Also, they will assign deputies to locate witnesses.
  - (g) If the suspect is transported to a hospital, have a deputy stay with him/her. Instruct the deputy not to interview the suspect, but take detailed notes of any voluntary spontaneous statements. Ensure the deputy obtains all of the suspect's clothing and medical information, including the attending physician's name and treatment provided.
  - (h) As soon as practicable, ensure that involved members are transported (separately, if feasible) to a suitable location for further direction. Members shall not be transported in the back of a caged unit.
1. Each involved NCSO member should be given an administrative order not to discuss the incident with other involved members or NCSO members pending further direction from a supervisor.
  2. Supervisors will direct the member(s) not to unload or reload their weapons, but allow them to maintain control of their weapons until the officer-involved shooting detectives arrive.
  3. When an involved member's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

#### 304.5.3 PATROL LIEUTENANT RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Patrol Lieutenant or Public Information Officer.

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#### 304.5.4 NOTIFICATIONS

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

- Sheriff
- Investigations Division Commander
- OIS Protocol rollout team as established by the Officer-Involved Shooting MOU
- Professional Standards Unit supervisor
- Risk Management
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved member's agency representative (if requested)
- Public Information Officer

#### 304.5.5 INVOLVED MEMBERS

The following shall be considered for the involved member:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved NCSO member shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-NCSO officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A fitness for duty evaluation shall be conducted by a state licensed psychologist after the shooting and again approximately six months later. The associated fees shall be paid by the agency. A licensed psychologist may also be provided to any other affected members upon request or by agency direction.
  1. Interviews with a licensed psychologist will be considered privileged.
  2. An interview or session with a licensed psychologist may take place prior to the member providing a formal interview or report.
  3. A separate critical incident stress debrief, or similar action may also be offered to involved members and should take place within 72 hours of the incident whenever possible. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychologist or other mental health professional prior to providing a formal interview or report.

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- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness member (Government Code § 8669.4).

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

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

#### **304.5.6 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 Shift Supervisor should ensure the Nevada County District Attorney's Office OIS Team Lead has notified 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).

#### **304.6 CRIMINAL INVESTIGATION**

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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

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

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

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

#### 304.6.1 REPORTS BY INVOLVED NCSO DEPUTIES

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

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

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

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

#### 304.6.2 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators may be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related office reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Professional Standards Unit.

#### 304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.

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1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the OIS Protocol Team or Sheriff's Office personnel at the direction of the OIS Protocol Team.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### **304.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of NCSO members to determine conformance with office policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential member personnel file. This investigation may be conducted by Sheriff's Office personnel or by an independent third party.

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

- (a) If there is a reasonable suspicion or objective symptoms of being under the influence of alcohol or drugs of any kind, a member involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the member, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any member 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 member.
  1. If an interview of the member is deemed necessary by the administrative investigator to determine if the member acted within policy, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement.
- (c) In the event that an involved member 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.

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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the member's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the member 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 member's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The member may also record the interview (Government Code § 3303(g)).
4. The member shall be informed of the nature of the investigation. If a member refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The member shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **304.8 CIVIL LIABILITY RESPONSE**

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

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

#### **304.9 AUDIO AND VIDEO RECORDINGS**

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

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

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

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#### **304.10 DEBRIEFING**

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

##### **304.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

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

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

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

##### **304.10.2 TACTICAL DEBRIEFING**

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

#### **304.11 MEDIA RELATIONS**

Any media release should be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation and the District Attorney's Office. Releases will be available to the Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

The Office shall not subject any involved NCSO member to visits by the media (Government Code § 3303(e)). No involved NCSO member shall make any comment to the media unless he/she is authorized by the Sheriff or a Division Commander. Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **304.12 REPORTING**

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

## Firearms

### 305.1 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.

### 305.2 POLICY

The Nevada 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.

### 305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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.

#### 305.3.1 HANDGUNS

The authorized office-issued handgun is the Glock 47 9mm handgun.

Members with the rank of Sheriff, Undersheriff, Sheriff's Captain, or Sheriff's Lieutenant are authorized to carry an office-issued Staccato P4 HD 9mm handgun.

#### 305.3.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870 12 gauge or variant approved by the Rangemaster. When not deployed, the shotgun shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

#### 305.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the AR-15 style rifle chambered in 5.56/223 or variant approved by the Range Master. Members may deploy the patrol rifle in any circumstance where

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

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require 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.

#### 305.3.4 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 minimal restrictions:

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

In addition to the above minimal restrictions, members who choose to carry a personally owned rifle are subject to the following conditions:

- (a) For the purposes of this section, acceptable assault weapons are those rifles of caliber .223/5.56mm. The make and model shall be at the discretion of the member, but must be approved by the Rangemaster. However, the functionality of the rifle shall be the same as the agency's rifle (i.e. semi-automatic only, with the charging handles and safety switches located in place, the magazines interchangeable with the AR15, etc.)

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- (b) Personally owned assault weapons carried by members on-duty must be legally owned and purchased by the member.
- (c) A deputy may not possess a personally owned assault weapon on-duty without written authorization by the Sheriff or designee. Deputies are required to receive prior approval from the Sheriff or his/her designee and have a letter of authorization to purchase/possess an assault weapon in order to purchase the weapon for use on-duty. There is a limit of one (1) personally owned assault weapon for on-duty use. Authorization shall include the deputy's name and the specific type of assault weapon acquired. The authorization shall also contain a statement to the effect that the named member is authorized by the Nevada County Sheriff to receive or possess the specific weapon.
- (d) The rifle must qualify under the State of California Department of Justice's definition of assault weapons for peace officers in the State of California.
- (e) Upon retirement, resignation or termination, the deputy is responsible for complying with all statutory requirements of state in which they will reside.

In addition to the above minimal restrictions, members who choose to carry a personally owned shotgun are subject to the following conditions:

- (a) The shotgun must be a 12 gauge Remington Model 870. Additionally, each must be listed on his/her personal "Off- duty, Auxiliary, or Back-up Weapons" form. The form must be on file with the agency and signed by the Rangemaster and Administrative Lieutenant.

#### 305.3.5 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 on the office list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
- (d) 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.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) 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.
- (g) 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.

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- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.
- (i) The firearm must be listed on his/her personal "Off- duty, Auxiliary, or Back-up Weapons" form. The form must be on file with the agency and signed by the Rangemaster and Administrative Lieutenant.

#### 305.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member 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.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry office-authorized ammunition.
- (i) When armed, deputies shall carry their badges and Nevada County Sheriff's Office identification cards under circumstances requiring possession of such identification.
- (j) All off-duty firearms must be listed on his/her personal "Off- duty, Auxiliary, or Back-up Weapons" form. The form must be on file with the agency and signed by the Rangemaster and Administrative Lieutenant.

#### 305.3.7 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms

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qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster or designee when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **305.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### **305.4.1 REPAIRS OR MODIFICATIONS**

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

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster or the designee.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster if the firearm is to be carried on- or off-duty.

##### **305.4.2 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.

##### **305.4.3 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 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.

##### **305.4.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights 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.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

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

##### **305.5.1 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 firearms may be safely stored in lockers at the end of the shift. Office. 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.

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#### 305.5.2 ADDITIONAL GUIDELINES FOR STORAGE

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their custody or 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 § 17060; Penal Code § 25100; Penal Code § 25105; Penal Code § 25145).

#### 305.5.3 ADDITIONAL GUIDELINES FOR 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).

#### 305.5.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

### **305.6 FIREARMS TRAINING AND QUALIFICATIONS**

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

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting. All newly hired members shall qualify with a firearm prior to carrying the firearm in the field.

Firearms training lesson plans shall be submitted for approval to the Supervising Rangemaster and the Professional Standards Unit prior to the first range date. For lesson plans that will be P.O.S.T. certified, submission must occur with sufficient time so certification will be in place prior to the first range date. Furthermore, lesson plans shall be in a format conforming to the agency format for all training lesson plans.

After the last scheduled date for a firearms training session, the Firearm Instructor assigned to coordinate the instruction shall submit the following to the Personnel Training Unit:

- (a) A list of those employees who attended and who were absent.

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- (b) A list of those employees who passed and those who failed.
- (c) An “after-training” memorandum. The after-training memorandum shall include a list of any injuries, any safety or administration issues, any additions or changes to the lesson plan, any firearms repair or maintenance issues, any range supply issues, and any other pertinent issues needing documentation.

#### 305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

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

#### 305.7 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.

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#### 305.7.1 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 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.

#### 305.7.2 INJURED ANIMALS

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, injured domesticated animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

#### 305.7.3 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 shall not be used.

### **305.8 RANGEMASTER DUTIES**

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

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

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

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

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

The Rangemaster shall have the responsibility to periodically review the established standard for its continued practical application in the field of law enforcement firearms qualification, as it applies to the Nevada County Sheriff's Office. The established standards shall be made available to all personnel for review.

The Rangemaster shall develop and maintain a separate minimum qualification standard for sidearms, shotguns and patrol rifles. In addition, a qualifying "combat course" will also be implemented which combines the skills of all weapons.

### **305.9 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 Nevada County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Nevada 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 Nevada 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.

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- (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.

#### **305.10 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 Nevada 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

### 306.1 PURPOSE AND SCOPE

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

### 306.2 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.

### 306.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify the Regional Dispatch Center.

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

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

#### 306.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Shift Sergeant or the Officer In Charge authorizes an additional unit(s).

### 306.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Regional Dispatch Center. Generally, only one unit should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, the Regional Dispatch Center shall be notified and the Shift Sergeant or Officer In Charge will make a determination as to whether one or more deputies driving Code-3 is appropriate.

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#### **306.5 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 Regional Dispatch Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

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

#### **306.6 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 Shift Sergeant or a field supervisor prior to assigning units Code-3. The dispatcher should:

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

#### **306.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Shift Sergeant or the Officer In Charge shall verify the following:

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

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

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

When making the decision to authorize a Code-3 response, the Shift Sergeant or the Officer In Charge should consider the following:

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

#### **306.8 FAILURE OF EMERGENCY EQUIPMENT**

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

## Canines

### 307.1 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.

### 307.2 POLICY

It is the policy of the Nevada County Sheriff's Office that handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### 307.3 ASSIGNMENT

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

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

### 307.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Administration 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.

### 307.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Operations Division shall be reviewed by the Shift Sergeant.

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#### 307.5.1 OUTSIDE AGENCY REQUEST

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

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

#### 307.5.2 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.

#### 307.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Sergeant. Absent a change in circumstances that presents an imminent threat to deputies, the canine or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

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

#### 307.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

#### 307.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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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.

#### **307.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES**

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in a departmental memorandum, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines 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).

#### **307.7 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. The handler should consider a muzzle during non-apprehension searches depending upon the circumstances.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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- (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.

#### 307.7.1 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.

#### 307.7.2 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.

#### 307.7.3 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.
- (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.

### 307.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

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- (a) A deputy who is currently off probation with a minimum of the (3) years law enforcement experience.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) Living within 30 minutes travel time from the Nevada County County limits.
- (d) Agreeing to be assigned to the position for a minimum of one (1) year with a tour of duty to match the working life expectancy of the canine.
- (e) Ability to pass a physical agility test.
- (f) Ability to pass certifications necessary for the position.

#### **307.9 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) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Nevada County Sheriff's Office facility.
- (d) 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.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall

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give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

#### 307.9.1 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.

#### 307.10 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). The amount of compensable off duty working time attributed to the routine care, feeding, exercising, grooming, kennel cleaning, cleaning County vehicles and ordinary transport to the veterinarian is 30 minutes per day, seven days per week. This determination is the result of a good faith estimate by the County and is intended to be comprehensive, accurate and inclusive of all pertinent facts. The compensation for such additional off-duty working time shall be paid at the handlers time and one half (1 ½) regular rate of pay.

#### 307.11 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 Shift Sergeant as soon as practicable and appropriately documented.

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 in the handler's personnel file.

#### 307.12 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 to meet current nationally recognized standards 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

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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 Shift Sergeant.

#### 307.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to meet POST standards and a current nationally recognized standard 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 Nevada 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.

#### 307.12.2 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.

#### 307.12.3 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 Nevada County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

#### 307.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file maintained by the Sheriff's Office Professional Standards Unit.

#### 307.12.1 CONTROLLED SUBSTANCE PROCEDURES

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:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Sheriff's Property Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

#### 307.12.7 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 Nevada 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.

#### 307.12.7 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.

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- (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).

## Domestic Violence

### 308.1 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.

#### 308.1.1 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.

**Abuse** - Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself/herself or another.

**Domestic Abuse** - Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child, or has had a dating or engagement relationship. This includes gay and lesbian relationships.

**Family Disputes** - Issues of disagreement within the family that DO NOT involve violence, threats of violence, or court order violations.

### 308.2 POLICY

The Nevada 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. Deputies will notify victims of their right to make a Private Person's Arrest, explain to them the Restraining Order process, and have them complete a Victim Confidentiality Form.

### 308.3 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.

### 308.4 INVESTIGATIONS

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

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- (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.
  - 1. A lethality assessment should be administered to victims of domestic violence to assess the level of danger and/or the severity of the situation and attached to the appropriate report. [See attachment: DV Lethality Risk Assessment.pdf](#)
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit or the deputy taking the report as applicable 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.

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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.

#### 308.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail if requested.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### 308.4.2 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.

#### 308.4.3 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.

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- (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.

#### **308.5 VICTIM ASSISTANCE**

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

- (a) Victims should be provided with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.
- (h) Notify the local domestic violence assistance organization at the request of a victim of a domestic violence.
- (i) In the event children witness a domestic violence incident a Suspected Child Abuse Report will be completed and forwarded to Child Welfare Services.
- (j) Whenever children are present during a domestic violence incident a Handle With Care notification should be completed.

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

#### **308.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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#### **308.7 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).

#### **308.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
  1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
  1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

#### **308.9 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.

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1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
  1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
  2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
  3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
  4. Penal Code § 646.9 (stalking)
  5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:
  1. The intent of the law to protect victims of domestic violence from continuing abuse.
  2. The threats creating fear of physical injury.
  3. The history of domestic violence between the persons involved.
  4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

### **308.10 REPORTS AND RECORDS**

- (a) A written domestic violence incident report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form,

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which includes information and notations specific to domestic violence incidents, including notations for any court order served that are subject to the report requirements (Penal Code § 13730; Code of Civil Procedure § 527.12).

- (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)).

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

The Records Section shall maintain records of court orders related to domestic violence and the service status of each order (Penal Code § 13710).

Additionally, records shall be maintained 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. This information is to be reported monthly to the California Department of Justice (DOJ). The Records Supervisor has the responsibility to ensure that records are maintained and the required information is reported to the DOJ (Penal Code § 13730).

#### **308.12 SERVICE OF COURT ORDERS**

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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1. A deputy should ensure that the Records Section is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Section 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).

#### **308.13 PUBLIC ACCESS TO POLICY**

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

#### **308.14 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).

#### **308.15 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

### 309.1 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 Nevada County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 309.2 POLICY

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

The Office will provide relevant and current training to members as guidance for the application of current law and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 309.3 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 office 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, members are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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#### **309.4 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 office will strive to conduct searches with dignity and courtesy.
- (b) Members 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 member, a reasonable effort should be made to summon a member of the same sex as the subject to conduct the search. When it is not practicable to summon a member of the same sex as the subject, the following guidelines should be followed:
  1. Another member or a supervisor should witness the search.
  2. The member should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **309.5 DOCUMENTATION**

Members are responsible to document any search that resulted in the generation of an incident report. The report should include::

- 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 member of the same sex as the person being searched and the identification of any witness member

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

## Temporary Custody of Juveniles

### 310.1 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 Nevada 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.

#### 310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

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

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

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

### **310.2 POLICY**

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

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

Juveniles who exhibit any of the following conditions should not be held at the Nevada County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Shift Sergeant. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

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

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These juveniles should not be held at the Nevada 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).

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

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

#### **310.3.2 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).

#### **310.4 CUSTODY OF JUVENILES**

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

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

#### **310.4.1 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 Nevada County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

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#### 310.4.2 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).

#### 310.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

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

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

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

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#### **310.5 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).

#### **310.6 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 Nevada County Sheriff's Office (15 CCR 1150).
- (c) Shift Sergeant 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 Shift Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

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Once the custody period is over, the log shall be uploaded to the appropriate Sharepoint Operations library. The name of the file shall contain the last name of the juvenile and the case number which was used to document the custody.

#### **310.7 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 Nevada 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).

#### **310.8 TEMPORARY CUSTODY REQUIREMENTS**

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

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Nevada County Sheriff's Office more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Nevada 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.

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- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (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).

#### **310.9 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 Nevada County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

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

#### **310.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Nevada 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

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monitored or secure location until the juvenile is released from the custody of the Nevada County Sheriff's Office.

#### **310.11 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). Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to 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).

#### **310.11.1 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).

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- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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

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

- (a) Immediate notification of the on-duty supervisor, Investigations Division Supervisor, and Division Lieutenant who will further notify the chain of command as necessary.
- (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.

##### **310.12.1 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.

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#### **310.13 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.

#### **310.13.1 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 jurisdiction by law enforcement officers of that jurisdiction, 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.

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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).

#### **310.14 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 Shift Sergeant.

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Shift Sergeant or the Investigation Unit 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

#### **310.15 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 Supervisor and the appropriate Investigation Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

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

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

#### **310.17 CUSTODY OF JUVENILES IN TRUCKEE**

Juveniles detained in the Truckee Sub-Station shall follow the below procedures in addition to the procedures listed above.

Juveniles shall not be detained in Secure Detention within the Truckee Sub-Station.

Juveniles may be held in Non-Secure Detention at the Truckee Sub-Station only long enough for Deputies to investigate a crime, facilitate release of the juvenile to a parent, guardian, responsible relative or adult designated by the parent, or arrange for them to be transported to an approved

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county detention facility. Regardless of the age of the juvenile, nature of the offense or status of the investigation, juveniles shall not be held for more than six (6) hours.

Under the limited conditions of inclement weather, acts of God, or natural disasters that result in the temporary unavailability of transportation, an extension of the six-hour maximum period of detention may be granted by the Corrections Standards Authority on an individual, case by case basis. If the extension is granted, the detention of minors under those conditions shall not exceed the duration of the special conditions plus a period reasonably necessary to accomplish transportation of the minor to a suitable juvenile facility, not to exceed six hours after the restoration of available transportation [207(f)(1)(A) Welfare and Institutions Code].

If the juvenile appears to be potentially suicidal, the juvenile shall be transported to the Emergency Room at Tahoe Forest Hospital for a Mental Health (5150 Welfare and Institutions Code) evaluation.

#### **310.17.1 SUPERVISION OF JUVENILES IN NON-SECURE DETENTION**

When a juvenile in Non-Secure Detention is brought into the Truckee Sub-Station, the arresting officer will alert the on-duty Truckee Correctional staff that a juvenile is entering the Sub-Station to ensure any inmate workers are not allowed to be unsupervised in the same area as the juvenile.

Juveniles shall be under the constant observation and supervision of a law enforcement officer or trained detention officer. Observation by television monitor is not sufficient; constant, in-person observation is required.

A Temporary Custody Log shall be completed by the arresting officer to record the non-secure detention of juveniles within the Truckee Sub-Station. The on-duty Correctional Officer will ensure the log is kept.

#### **310.18 TRAINING**

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

## Senior and Disability Victimization

### 311.1 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 Nevada County Sheriff's Office members as required by law (Penal Code § 368.6).

The Nevada 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).

#### 311.1.1 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

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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

#### **311.2 POLICY**

The Nevada 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.

##### **311.2.1 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).

##### **311.2.2 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)).

#### **311.3 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.

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- (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:
  - (a) Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
  - (b) 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).
  - (c) 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).
  - (d) 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

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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)).

[See attachment: Elder-Abuse-First-Responder-Checklist.pdf](#)

[See attachment: Elder-Abuse-Evidence-Collection-Checklist.pdf](#)

[Elder Abuse Guide For Law Enforcement](#)

[See attachment: Elder Abuse Blueprint.pdf](#)

[See attachment: Senior and Disability Victimization Appendix.pdf](#)

#### **311.3.1 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)).
- (e) Pursuant to Sections 264.2 and 679.04, potential victims of sex crimes have a right to have a support person of their choice present at all times.

#### **311.4 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.

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- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
  - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
  - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

#### **311.5 MANDATORY NOTIFICATION**

Members of the Nevada 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.

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- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department 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 Investigation Unit 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)).

#### 311.5.1 NOTIFICATION PROCEDURE

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

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

#### **311.6 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.

##### **311.6.1 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)).

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#### 311.6.2 VERIFICATION OF PROTECTIVE ORDER

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

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

#### **311.7 INTERVIEWS**

##### 311.7.1 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. If necessary, investigating deputies may defer interviews until a person who is specially trained in such interviews is available.

##### 311.7.2 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.

##### 311.7.3 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).

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#### **311.8 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.

#### **311.9 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.

##### **311.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigation Unit supervisor should:

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

##### **311.9.1 DEPUTY RESPONSIBILITIES**

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

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

#### **311.10 RECORDS BUREAU RESPONSIBILITIES**

The Records Section is responsible for:

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

#### **311.11 JURISDICTION**

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

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this office will retain responsibility for the criminal investigations (Penal Code § 368.5).

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

#### **311.12 TRAINING**

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

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

##### **311.12.1 MANDATORY TRAINING**

The Training Manager 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,

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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 Manager 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)).

#### **311.13 RELEVANT STATUTES**

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

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

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

##### **Penal Code § 368 (c)**

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

##### **Penal Code § 368 (f)**

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

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

##### **Welfare and Institutions Code § 15610.05**

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

#### **Welfare and Institutions Code § 15610.06**

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

#### **Welfare and Institutions Code § 15610.30**

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

#### **Welfare and Institutions Code § 15610.43**

- (a) "Isolation" means any of the following:

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1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
  2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
  3. False imprisonment, as defined in Section 236 of the Penal Code.
  4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

#### **Welfare and Institutions Code § 15610.57**

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

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6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

#### **Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

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

#### **311.14 SHERIFF RESPONSIBILITIES**

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

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

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- (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.

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

A office member appointed by the Sheriff or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Generally, this will fall under the Major Crimes Unit Sergeant or the designee(s). Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

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

## Discriminatory Harassment

### 312.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law. This policy is in addition to the Nevada County Personnel Code and any pertinent Memorandas of Understanding between the County of Nevada and the bargaining units.

### 312.2 POLICY

The Nevada 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.

### 312.3 DEFINITIONS

Definitions related to this policy include:

#### 312.3.1 DISCRIMINATION

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

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

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

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#### 312.3.2 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.

#### 312.3.3 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.

#### 312.3.4 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.

#### **312.4 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 Human Resources Director, or the County Executive.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### 312.4.1 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 Human Resources Director, the County Executive, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### 312.4.2 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 Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 312.4.3 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.

### **312.5 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

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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.

#### **312.5.1 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.

#### **312.5.2 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 Human Resources Director, or the County Executive.

#### **312.5.3 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.

#### **312.6 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 Executive, or the Human Resources Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the office's established records retention schedule.

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#### 312.6.1 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.

#### **312.7 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).

#### **312.8 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

##### 312.8.1 STATE-REQUIRED TRAINING

The Training Manager 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 Manager should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

##### 312.8.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

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#### **312.9 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

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Nevada County Sheriff's Office members are required to notify the county Child Welfare Services (CWS) of suspected child abuse.

#### 313.1.1 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).

**Drug Endangered Child** - A child who is exposed to an environment where adults are manufacturing, cultivating, processing, selling, or using drugs.

### 313.2 POLICY

The Nevada County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 313.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this office. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent

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or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

#### **313.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

#### **313.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

#### **313.5 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.

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- (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).

#### 313.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

#### 313.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

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#### **313.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CWS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

#### 313.6.1 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.

#### 313.6.2 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.

### **313.7 INTERVIEWS**

#### 313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### 313.7.2 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.

#### 313.7.3 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

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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).

#### **313.8 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.

#### **313.9 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.

##### **313.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigation Unit Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CWS, 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 Investigation Unit 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.

In any case where there is the likelihood that a child has been exposed to illicit substances, CWS will be contacted.

##### **313.9.2 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 Investigation Unit supervisor so an interagency response can begin.

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See attachment: [DRUG ENDANGERED CHILDREN CHECKLIST.pdf](#)

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

California requires or permits the following:

##### **313.10.1 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).

##### **313.10.2 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.

##### **313.10.3 CACI HEARING OFFICER**

The Investigation Unit Lieutenant 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.

This shall only be done by the Nevada County Sheriff's Office if the person's name was submitted to CACI at the request of this agency.

##### **313.10.4 CACI HEARING PROCEDURES**

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

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After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

#### **313.10.5 CHILD DEATH REVIEW TEAM**

This office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

#### **313.11 TRAINING**

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

## Missing Persons

### 314.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 314.1.1 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).

### 314.2 POLICY

The Nevada 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 Nevada 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).

### 314.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Office report form for use in missing person cases

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

#### **314.4 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).

#### **314.5 INITIAL INVESTIGATION**

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk. According to Penal Code §14215 evidence that a person is at risk includes, but is not limited to, evidence or indications that the missing person is one of the following:
  1. Is a victim of a crime or foul play.
  2. Is in need of medical attention.
  3. Has no pattern of running away or disappearing.
  4. May be the victim of a parental abduction.
  5. Is mentally impaired.
- (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.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and a fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

For further information see the following link: [POST Missing Persons Guidelines and Curriculum](#)

For further information regarding required actions in response to a Missing Persons Report. [See attachment: Missing Persons Reporting Chart.pdf](#)

#### **314.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

##### **314.6.1 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 Section.
- (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.

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- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **314.6.2 RECORDS SECTION RESPONSIBILITIES**

The responsibilities of the receiving member shall include but are not limited to:

- (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 Investigation Unit.
- (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).

#### **314.7 INVESTIGATION UNIT 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.

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- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not 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).

#### **314.8 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 Investigation Unit or the member assigned to the case 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 by Dispatch.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks by Dispatch.
- (d) Immediately notify the Attorney General's Office by Dispatch via NCIC.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

#### **314.8.1 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.

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#### **314.9 CASE CLOSURE**

The Investigation Unit 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 Nevada County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **314.10 TRAINING**

Subject to available resources, the Training Manager should ensure that members of this office whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.

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- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### 315.1 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.

### 315.2 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.

### 315.3 RESPONSIBILITIES

#### 315.3.1 MEMBER RESPONSIBILITIES

Members of the Nevada County Sheriff's Office should notify their supervisor, Shift Sergeant, or Investigation Unit 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.

#### 315.3.2 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 their chain of command and the Public Information Officer (PIO) when any public alert is generated. The PIO is responsible for notifying the media. In the event the PIO is not available, the supervisor should handle media inquiries as appropriate until the PIO becomes available or a lieutenant takes over these duties.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Relaying any pertinent updates to the PIO
- (d) Ensuring all appropriate reports are completed

### 315.4 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.

#### 315.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (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.

#### **315.4.2 PROCEDURE FOR AMBER ALERT**

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared for the PIO 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 Dispatch 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)

#### **315.5 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.

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#### 315.5.1 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.

#### 315.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared for the PIO 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

#### 315.6 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).

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#### 315.6.1 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.

#### 315.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

### **315.7 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).

#### 315.7.1 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.

#### 315.7.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

Code Red utilizes the 911 database to complete geographic notifications and thus has published and unpublished numbers. The use of this database is for the purpose of providing community alert and notifications to citizens as defined in California Public Utilities Code Sections 2872 and

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2891.1. The information contained in the 911 database is confidential and proprietary and shall not be disclosed or utilized except by authorized personnel for purposes described in this policy.

Once a field Incident Commander (IC) has determined that an emergency situation exists and there is a need for community notification, the IC should consider the exigency of the situation coupled with the area to be notified and the time of day prior to initiating the Code Red. The IC shall notify the dispatch center or the Emergency Operations Center (if activated) and provide the following information:

- (a) Geographic location to be notified
- (b) Message to be broadcast, including:
  1. Nature of emergency
  2. Action to be taken by the community
  3. Contact information
  4. Evacuation routes (if applicable)
  5. Evacuation center (if applicable)

The length of the message should be kept as short as possible to ensure the maximum number of notifications can be made in the shortest amount of time.

Special Team Notifications - Code Red may be utilized to alert specialized response teams of training or missions. The teams may include, but are not limited to:

- (a) Special Enforcement Detail
- (b) Critical Incident Negotiation Team
- (c) Dive team
- (d) Chaplains
- (e) Search and Rescue

### **315.8 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).

#### **315.8.1 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.

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- (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.

#### 315.8.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

#### **315.9 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).

##### 315.9.1 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.

##### 315.9.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

#### **315.10 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).

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#### 315.10.1 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.

#### 315.10.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

#### **315.11 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES**

In the event of an emergency, as defined in Government Code § 7299.7, the Nevada 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

### 316.1 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.

### 316.2 POLICY

The Nevada County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Nevada 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.

### 316.3 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 Nevada 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. This responsibility will usually be handled by the Major Crimes Unit supervisor with assistance from detectives when necessary.

#### 316.3.1 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 Nevada County Sheriff's Office jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
  - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Office, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

See attachment: [Sexual Assault Survivors Bill of Rights Card.pdf](#)

See attachment: [Sexual Assault Survivors Bill of Rights Card Spanish.pdf](#)

Cards in other languages are available at the following link:

[AB 1312/PC 680.2 Cards](#)

#### **316.4 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.

##### **316.4.1 VICTIMS OF HUMAN TRAFFICKING**

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

#### **316.5 VICTIM INFORMATION**

The Field Training Officer 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

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the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (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).

#### **316.6 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

### 317.1 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 Nevada 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).

#### 317.1.1 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

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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

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- 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

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

#### **317.2 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.

#### **317.3 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.

##### **317.3.1 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-

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- violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
  - (c) Providing direct and referral assistance to the victim and the victim's family.
  - (d) Conducting public meetings on hate crime threats and violence in general.
  - (e) Establishing relationships with formal community-based organizations and leaders.
  - (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
  - (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab, Middle Eastern, 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 Manager 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 Section 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 Section 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:

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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.

#### 317.3.2 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:

- (a) Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- (b) 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.
- (c) Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- (d) Provide the community with ongoing information regarding hate crimes and/or hate incidents.

#### **317.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

##### 317.4.1 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.

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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.

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- (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.

#### 317.4.2 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.

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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.

#### 317.4.3 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).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

#### **317.5 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).

#### **317.6 APPENDIX**

See attachments:

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### *Hate Crimes*

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[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

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## Standards of Conduct

### 318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Nevada 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.

### 318.2 POLICY

The continued employment or appointment of every member of the Nevada 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.

### 318.3 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.

#### 318.3.1 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.

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#### 318.3.2 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 the member's immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to any such violation, or exhibiting indifference to any such violation by a subordinate.
- (d) Exercising unequal or disparate exercise of authority toward any member for malicious or other improper purpose.

#### **318.4 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.

#### 318.4.1 PRISON RAPE ELIMINATION ACT DISCLOSURE

Members have a continuing affirmative duty to notify the Division Commander in writing if they have (28 CFR 115.17; 15 CCR 3411):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

#### 318.4.2 REQUESTS FOR ASSISTANCE

When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established departmental procedures.

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#### **318.5 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.

##### **318.5.1 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, the Nevada County Personnel Code and labor Memorandum of Understanding agreements.

##### **318.5.2 ETHICS**

- (a) Using or disclosing one's status as a member of the Nevada County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office 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.

##### **318.5.3 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.

##### **318.5.4 RELATIONSHIPS**

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

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- (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 an incarcerated person or 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) Establishing or maintaining an inappropriate personal or financial relationship with a person known to be currently incarcerated within the Nevada County Jails or someone who has been incarcerated within the Nevada County Jails within the past six months.
- (e) 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.
- (f) 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.
- (g) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

The intent of this policy is to prevent such relationships developing after the member becomes aware, or should be aware of such activity. Consideration will be given to situations where the relationship involves direct family members where the employee is unable to avoid such a relationship.

#### 318.5.5 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 a reasonable excuse. Judicial subpoenas shall constitute an order to appear under this section.

#### 318.5.6 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.
  - 1. 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, or incarcerated person-related or critical incident information.

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- (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 non-subpoenaed records.

#### 318.5.7 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, incompetent, or unsatisfactory 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.

#### 318.5.8 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 work-related 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 investigations, 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.

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- (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 member's 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 labor memorandum of understanding, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the labor memorandum of understanding, or the Sheriff.
- (i) Any act on- or off-duty that brings discredit to this office.

#### 318.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law 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.

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- (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 labor 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) Allowing contraband articles including but not limited to weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco in any jail facility.
- (n) Receiving from an incarcerated person any articles to deliver outside the facility.
- (o) Failure to furnish one's name and badge number to any person requesting the information when acting in official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.
- (p) Any other on- or off-duty conduct that 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.

#### 318.5.10 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 site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (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.

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#### 318.5.11 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.
- (d) Sheriff's office employees, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior, which would tend to discredit them or this office, or render personnel unfit to report for their next regular tour of duty.

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## Information Technology Use

### 319.1 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.

#### 319.1.1 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 Nevada 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), 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 and firmware. 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.

### 319.2 POLICY

It is the policy of the Nevada 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.

### 319.3 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.

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### *Information Technology Use*

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#### **319.4 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 Shift Sergeants.

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.

##### **319.4.1 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.

##### **319.4.2 INTERNET USE**

Internet access provided by or through the Office should 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.

#### **319.5 PROTECTION OF 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. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

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.

#### **319.6 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

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contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

## Office Use of Social Media

### 320.1 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).

#### 320.1.1 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

### 320.2 POLICY

The Nevada 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.

### 320.3 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.

### 320.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission and that conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (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) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

#### **320.4.1 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.

#### **320.5 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 Nevada 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.

#### **320.5.1 PUBLIC POSTING PROHIBITED**

Office social media sites shall be designed and maintained to prevent posting of content by the public.

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The Office may provide a method for members of the public to contact department members directly.

#### **320.6 BOOKING PHOTOS**

The Sheriff's Office shall not share, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

- (a) The Sheriff's Office has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- (b) A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- (c) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

Additionally if the Sheriff's Office shares a booking photo of an individual arrested for the suspected commission of a nonviolent crime, the booking photo shall be removed social media pages within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, unless any of the circumstances described above exist.

If the Sheriff's Office shares a booking photo of an individual arrested for the suspected commission of a crime identified in subdivision (c) of Section 667.5 on social media the booking photo shall be removed within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, if the individual or their representative demonstrates any of the following:

- (a) The individual's record has been sealed.
- (b) The individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law.
- (c) The individual has been issued a certificate of rehabilitation.
- (d) The individual was found not guilty of the crime for which they were arrested.
- (e) The individual was ultimately not charged with the crime or the charges were dismissed.
- (f) This subdivision shall apply retroactively to any booking photo shared on social media.

For the purposes of this section "Nonviolent crime" means a crime not identified in subdivision (c) of Section 667.5. (Penal Code 13665)

#### **320.7 MONITORING CONTENT**

The Sheriff will appoint a member 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. The same member should

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review the office social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

#### **320.8 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.

#### **320.9 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.

## Report Preparation

### 321.1 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.

#### 321.1.1 REPORT PREPARATION

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such. Additionally, reports shall include:

- (a) Proper grammar, punctuation, and spelling.
- (b) Elements of the crime are addressed in the narrative.
- (c) All parties mentioned in the narrative of the report (aside from officers or government officials who are working in their official capacity at the time of the report) shall have a corresponding entry in the names section of the report with accurate and contemporary identifying information.
- (d) The narrative will have witness, victim, and suspect statements when applicable.
- (e) Neighborhood canvassing for witnesses is addressed in the narrative of the report.
- (f) The vehicle pages of the report reflect accurate information regarding the vehicle(s) and the disposition of the vehicle(s) involved in the report.
- (g) Evidence is properly submitted to the property unit and documented appropriately in the narrative and property sections.
- (h) Stolen items have been entered into CLETS when applicable. Recovered items have been removed from CLETS when applicable.

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- (i) Attachments or a lack thereof are mentioned specifically in the narrative of the report. The attachments will be any additional files uploaded into media, or any physical attachments submitted with the report.
- (j) Physical attachments will be clearly labelled with the case number in the upper right-hand corner. Each attachment will have a sequence number underneath the case number (e.g. "1 of 1").
- (k) Dates and times of occurrence are reflected accurately in the report.

#### **321.2 REQUIRED REPORTING**

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

##### **321.2.1 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:
  - (a) Use of Force Policy
  - (b) Domestic Violence Policy
  - (c) Child Abuse Policy
  - (d) Senior and Disability Victimization Policy
  - (e) Hate Crimes Policy
  - (f) Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

##### **321.2.2 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)

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1. Animals that are injured and require euthanization do not require a report to be generated, but it will be documented in the call for service.
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### 321.2.3 DEATH CASES (CORONER 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).
- (e) Found dead bodies or body parts.

Coroner cases must be completed by the deputy assigned and approved by the sergeant or OIC prior to the end of the deputy's assigned shift.

#### 321.2.4 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.

#### 321.2.5 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/or it is desirable to record the event

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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.

#### **321.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES**

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

#### **321.2.7 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) Annoying telephone calls with no suspect information.
- (f) Identity theft without an identifiable suspect.
- (g) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

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).

#### **321.3 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. All incomplete reports should have, at minimum, the "face page" and summary sections completed in RMS by the end of the workday. At the end of the deputy's work week, all reports assigned to the deputy during the deputy's work week should be turned in. For involved or ongoing investigations, deputies may seek the approval of the sergeant to hold a report over, until the deputy returns to work. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances. Overtime will only be authorized for report writing when deputies were exceptionally busy and could not complete the reports during the shift, or when the report comes late in the shift.

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#### **321.3.1 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.

#### **321.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report for corrections using the report writing system. Additional notes for correction may be made in writing, via email, or verbally as appropriate.. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

#### **321.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section 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 Section may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

Records staff may modify certain report fields solely for purpose of clearing NIBRS or CIBRS errors however shall not make changes to the narrative of the report. The member responsible for making the changes shall make a log note in the report indicating what changes were made.

#### **321.6 ELECTRONIC SIGNATURES**

The Nevada County Sheriff's Office has established an electronic signature procedure for use by all employees of the Nevada County Sheriff's Office. The Operations Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

#### **321.7 USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS**

Official reports that are generated using artificial intelligence (AI) either fully or partially shall contain the following (Penal Code § 13663)

- (a) On each page of an official report, or within the body of the text, identify every specific AI program used in a manner that makes such identification readily apparent to the reader and prominently state the following: "This report was written either fully or in part using artificial intelligence."
- (b) The signature of the member who is preparing the official report, either in physical or electronic form, verifying that they reviewed the contents of the report and that the facts contained in the official report are true and correct. Except for the official report, a draft of any report created with the use of AI shall not constitute a member's statement.

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For purposes of this section artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. AI as used in this section applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative AI (Penal Code § 13663).

See the Generative Artificial Intelligence Use policy for additional guidance on generative AI.

#### 321.7.1 ARTIFICIAL INTELLIGENCE AUDIT TRAIL

The Office shall maintain an audit trail for AI generated first drafts or official reports for as long as the official report is retained that, at a minimum, identifies both of the following (Penal Code § 13663):

- (a) The name of the person who used AI to create the report.
- (b) The video and audio footage that is used to create a report, if any.

## Media Relations

### 322.1 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.

### 322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Division Lieutenants, and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

### 322.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

#### 322.3.1 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.

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#### **322.3.2 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 Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

#### **322.4 POLICY**

It is the policy of the Nevada 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.

#### **322.5 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.

#### **322.6 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this office make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

#### **322.7 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

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

#### **322.7.1 EMPLOYEE INFORMATION**

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Sergeant 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.

#### **322.8 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.

##### **322.8.1 INFORMATION LOG**

The Office will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Sergeant.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss involved in crimes occurring within this jurisdiction.
- (b) The date, time, location, event number, name, birth date, and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Shift Sergeant (Welfare and Institutions Code § 827.5).

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Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated office media representative, the custodian of records, or if unavailable, to the Shift Sergeant. 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

### 323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the Nevada County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

### 323.2 POLICY

Nevada County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 323.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so. This may be accomplished by personal service to the member or by delivery of two copies of the subpoena to the member's supervisor or other authorized office agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a member 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 member within sufficient time for the named member 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 member within sufficient time for the named member to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

#### 323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Nevada 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 Nevada County Sheriff's Office.

The supervisor will then notify the Sheriff or designee 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.

#### **323.3.2 CIVIL SUBPOENA**

The Office 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 Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **323.3.3 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.

#### **323.4 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.

#### **323.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the party that issued the subpoena 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.

#### **323.6 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 office 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.

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#### 323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member should request a copy of relevant reports and become familiar with the content in order to be prepared for court.

#### **323.7 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

### 324.1 PURPOSE AND SCOPE

The Nevada 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 reserve deputies who can augment regular staffing levels.

### 324.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Nevada 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 office.

#### 324.2.1 PROCEDURE

Prior to applying the applicant's completed academy certificate shall be current according to POST standards or the applicant shall be in the process of being re-certified through a POST approved academy.

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.

#### 324.2.2 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.

#### 324.2.3 SHERIFF'S RESERVE DEPUTIES ATTIRE

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees assigned to patrol duties are issued two sets of uniforms and all designated attire and safety equipment.

All reserve deputy appointees assigned to specialty assignments other than patrol and bailiff shall be issued one Class A uniform and uniform attire consistent with their specialty assignment.

All property issued to the reserve deputy shall be returned to the Office upon termination or resignation.

### 324.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assigned to patrol or bailiff may 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 Operations Division. Reserve deputies may be assigned to other areas within the Office as needed to include specialty assignments. Reserve deputies assigned to patrol are required to keep current on their POST training and work at least one shift per month.

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### *Reserve Deputies*

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#### 324.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all office 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.

#### 324.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission and completed full field training program. Level I reserves not assigned to field operations are not required to complete a field training program at the discretion of the Sheriff or the designee.

A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level II reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting events, court security, inmate transports, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.

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#### 324.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator should 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

#### **324.4 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.

##### 324.4.1 TRAINING OFFICERS

Reserve deputies assigned to work patrol duties shall be field trained by qualified field training officers only.

##### 324.4.2 FIELD TRAINING MANUAL

Each new reserve deputy assigned to patrol or bailiff will be issued a Field Training Manual at the beginning of his/her appointment. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Nevada 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.

##### 324.4.3 LEVEL I RESERVE TRAINING

Level I reserves who work patrol solo in an enforcement capacity are required to complete a full training program consistent with the length and standards of full time deputies prior to working without the direct supervision of a field training officer.

##### 324.4.4 LEVEL II RESERVE TRAINING

Level II reserve deputies assigned to patrol in an enforcement capacity shall have completed at least 10 weeks of the field training program consistent with the standards of full-time deputies.

#### **324.5 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.

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#### **324.5.1 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 office to allow reserves to carry firearms only while on-duty.

#### **324.5.2 CONCEALED FIREARMS PROHIBITED**

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, 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 office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a office 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 Nevada County Sheriff's Office.

#### **324.5.3 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.

#### **324.6 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

### 325.1 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.

### 325.2 POLICY

It is the policy of the Nevada 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.

### 325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant'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 Shift Sergeant 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.

#### 325.3.1 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 Nevada County Sheriff's Office shall notify his/her supervisor or the Shift Sergeant and Regional Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 325.4 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.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **325.5 CALOES MUTUAL AID REQUESTS**

The State of California is divided into seven regions for the purpose of mutual aid request. Each region has a group of counties from whom they can seek assistance and by whom they may be called upon to assist. Nevada County is part of Region IV.

In the event of a mutual aid request, the appropriate Region Coordinator will be contacted via the Command Center.

Counties in Region IV are:

- (a) Alpine
- (b) Nevada
- (c) Stanislaus
- (d) Amador
- (e) Placer
- (f) Toulumne
- (g) Calaveras
- (h) Sacramento
- (i) Yolo
- (j) El Dorado
- (k) San Joaquin

Generally, requests will be submitted to CALOES through the Sheriff's Office Law Enforcement Mutual Aid Coordinator.

#### **325.6 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

#### **325.7 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 Operation 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.

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- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Regional Dispatch Center and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

## Registered Offender Information

### 326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Nevada 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.

### 326.2 POLICY

It is the policy of the Nevada 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.

### 326.3 REGISTRATION

The Investigation Unit supervisor or designee should 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 registrar 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.

#### 326.3.1 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.).

### 326.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor or designee should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Nevada County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

#### **326.5 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 or the designee if warranted. A determination will be made by the Sheriff or the designee, 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 Nevada County Sheriff's Office's website. Information on sex registrants placed on the Nevada County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

#### **326.5.1 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).

#### **326.5.2 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

## Major Incident Notification

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how and to whom notification of major incidents should be made.

### 327.2 POLICY

The Nevada County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 327.3 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
- 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 Nevada County official
- Arrest of a office employee or prominent Nevada County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

### 327.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant or Officer In Charge is responsible for making the appropriate notifications. The Shift Sergeant or Officer In Charge shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant or Officer In Charge shall attempt to make the notifications as soon as practicable.

#### 327.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff, the affected Division Commander(s), and the Investigations Lieutenant shall be notified via the chain of command. When applicable, the Regional Dispatch Center will send out a Command Staff Notification as time allows.

#### 327.4.2 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.

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#### 327.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

## Death Investigation

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

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 and use of appropriate resources and evidence gathering techniques is critical.

### 328.2 POLICY

It is the policy of the Nevada 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.

### 328.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigations Division Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

#### 328.3.1 CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. 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.

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- (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
- (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 Coroner.

#### 328.3.2 SEARCHING DEAD BODIES

A Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects of the decedent are taken by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 328.3.3 REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 328.3.4 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Investigation Unit shall be notified to determine the possible need for an investigator to respond to the scene.

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If the on-scene supervisor, through consultation with the Shift Sergeant or Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

#### 328.3.5 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)).

#### 328.3.6 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 and proceed with the investigation according to the code's requirement. Penal Code § 679.07 states 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, and in the presence of three or more factors listed below, law enforcement investigators shall interview family members, such as parents, siblings, or other close friends or relatives of the decedent with relevant information regarding that history of domestic violence.

1. The decedent died prematurely or in an untimely manner.
2. The scene of the death gives the appearance of death due to suicide or accident.
3. One partner wanted to end the relationship.
4. There is a history of being victimized by domestic violence that includes coercive control.
5. The decedent is found dead in a home or place of residence.
6. The decedent is found by a current or previous partner.
7. There is a history of being victimized by domestic violence that includes strangulation or suffocation.
8. The current or previous partner of the decedent, or child of the decedent or the decedent's current or previous partner, is the last to see the decedent alive.
9. The partner had control of the scene before law enforcement arrived.
10. The body of the decedent has been moved or the scene or other evidence is altered in some way.

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#### **328.4 UNIDENTIFIED DEAD BODY**

If the identity of a dead body cannot be established and there are multiple unidentified individuals, the handling deputy will uniquely identify each decedent.. The number shall be included in the narrative of any report.

#### **328.5 DEATH NOTIFICATION**

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If 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

### 329.1 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.

### 329.2 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 office 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 office 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 office processing, the initial report should be assigned to the deputy who took the report or forwarded to detectives for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

## Private Persons Arrests

### 330.1 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.

### 330.2 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.

### 330.3 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.

### 330.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b) (1). The deputy must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
1. Take the individual into physical custody for booking
  2. Release the individual pursuant to a Notice to Appear
  3. Release the individual pursuant to Penal Code § 849

#### **330.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign an office Private Person's Arrest Form under penalty of perjury. [See attachment: NEW CITIZEN ARREST.pdf](#)

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

### 331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Office 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 Nevada County Sheriff's Office, designated by the Office, 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).

### 331.2 POLICY

It is the policy of the Nevada 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 Office 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.

### 331.3 LEP COORDINATOR

The Sheriff may delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee. If no LEP Coordinator is appointed then it will be incumbent upon the each Division Commander or their designee to ensure LEP responsibilities are met.

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

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- (a) Coordinating and implementing all aspects of the Nevada County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Supervising Dispatcher. 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 Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Office 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 office 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 office services, programs and activities.

#### **331.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

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- (b) The frequency with which LEP individuals are likely to come in contact with office 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.

#### **331.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Nevada 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 Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office 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 office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **331.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The Division Commander or the designee of each division will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **331.7 AUDIO RECORDINGS**

The Office 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.

#### **331.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

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#### **331.9 AUTHORIZED INTERPRETERS**

Any person designated by the Office 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 office 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 Nevada County Human Resources 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 office 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.

##### **331.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Office 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 office 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.
- Qualified interpreters from other agencies.

##### **331.9.2 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 Office 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, office 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.

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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.

#### **331.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this office 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 office 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 Office or some other identified source.

#### **331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Nevada 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.

##### **331.11.1 EMERGENCY CALLS TO 9-1-1**

Office 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 Regional Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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.

#### **331.12 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.

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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.

#### **331.13 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 office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings should 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.

#### **331.14 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.

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#### **331.15 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.

#### **331.16 COMPLAINTS**

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the Undersheriff.

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 office.

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.

#### **331.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **331.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Manager 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 Manager 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.

## Mandatory Employer Notification

### 332.1 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.

### 332.2 POLICY

The Nevada County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

### 332.3 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.

#### 332.3.1 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).

#### 332.3.2 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).

#### 332.3.3 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).

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#### **332.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 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).

#### **332.4 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).

## Chaplains

### 334.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Nevada County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

### 334.2 POLICY

The Nevada County Sheriff's Office shall ensure that office chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### 334.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

- (a) 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.

### 334.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Nevada 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 office.

All applicants shall be required to meet and pass the same pre-employment procedures as office personnel before appointment.

#### 334.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment.

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#### **334.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Office, 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 Nevada County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Nevada 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 office property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this office.

#### **334.6 CHAPLAIN COORDINATOR**

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Operations 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 Office, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (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.

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#### **334.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing themselves as chaplains with this office. 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 Nevada County Sheriff's Office.

##### **334.7.1 COMPLIANCE**

Chaplains are volunteer members of this office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

##### **334.7.2 OPERATIONAL GUIDELINES**

- (a) Generally, each chaplain will serve with Nevada County Sheriff's Office personnel a minimum of ten hours per quarter.
- (b) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
- (c) Chaplains shall be permitted to ride with deputies during any shift and observe Nevada County Sheriff's Office operations, provided the Shift Sergeant has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Office.
- (e) In responding to incidents, a chaplain shall never function as a deputy.
- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (g) Chaplains shall serve only within the jurisdiction of the Nevada County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (h) office

##### **334.7.3 ASSISTING THE COMMUNITY**

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Office.
- (c) Providing liaison with various civic, business and religious organizations.

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- (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.

#### 334.7.4 ASSISTING THE OFFICE

The responsibilities of a chaplain related to this office include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Office.
- (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 office members.
- (e) Attending office 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 Office.
- (h) Working closely with peer support and EAP mental health responders.
- (i) Speaking for in-house events (religious or secular meetings, employee gatherings, etc.) when an inspirational speaker is desired by management.
- (j) Providing spiritual enrichment activities as requested by the agency, with voluntary attendance by employees, including devotionals, Bible studies, and special seasonal services.

#### 334.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

#### 334.7.6 ASSISTING OFFICE MEMBERS

The responsibilities of a chaplain related to office 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.

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- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.
- (g) Develop relationships and maintaining contact with all personnel through frequent worksite visits to the various facilities.

#### **334.7.7 CALL-OUT PROCEDURES**

The Regional Dispatch Center will maintain current contact lists for chaplains. Chaplain notification or call-out will be approved by the on-duty supervisor, incident commander, or management staff. Requests made by other agencies will be approved by the on-duty supervisor. Call-out criteria may include:

- (a) Serious accidents
- (b) Suicides
- (c) Homicides or suspicious deaths
- (d) Sudden infant death
- (e) Barricaded subjects
- (f) Missing persons
- (g) Industrial accidents
- (h) Unexpected natural deaths
- (i) Death Notifications
- (j) Search and rescue operations
- (k) Mass-casualty events

#### **334.8 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Office may work or volunteer for the Nevada County Sheriff's Office in any capacity other than that of chaplain.

Office 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-office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Nevada County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **334.9 CHAPLAIN SAFETY**

- (a) Chaplains will not carry firearms on their person or in their vehicle while on call.
- (b) Chaplains shall not intervene with crimes-in-progress but will notify the appropriate law enforcement agency and observe the offense from a position of safety.

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- (c) While on call, every attempt shall be made to not jeopardize the safety of the chaplains. Should a situation develop in which a law enforcement officer requires immediate assistance, the Chaplain should call for assistance and should only become involved when ordered to do so by a law enforcement officer or if the officer is incapacitated.
- (d) All chaplains will fill out and sign a "release of liability" in order to ride-along. The form will be kept in their personnel file.
- (e) Chaplains shall remain in the law enforcement vehicle unless directed by law enforcement personnel.
- (f) Due to the serious nature of a call, a law enforcement officer or supervisor may have the chaplain leave the vehicle and wait in a safe place. Dispatch will be notified immediately so that the chaplain can be picked up as soon as possible.

#### **334.10 TERMS OF SERVICE**

Chaplains are volunteers and the position serves "at will" of the Sheriff or his/her designated representative. "At will" means that the Sheriff or the individual volunteer may end the volunteer relationship at any time for any or no reason.

## Child and Dependent Adult Safety

### 336.1 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.

### 336.2 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 Nevada 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.

### 336.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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#### 336.3.1 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.

When dealing with arrestees who have children and no other persons granted legal custody are on scene or able to respond in a reasonable time period, deputies should contact Child Welfare Services (CWS) and relay the details of the situation. The deputy will complete a delivery of custody form and CWS will respond to take custody of the children. Further placement of the children will be determined by CWS.

When dealing with arrestees who are responsible for dependent adults, deputies should allow the arrestee reasonable time to arrange for care of the 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 dependent adult.

In all arrest cases where there is a child or dependent adult on scene, the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of dependent adults with a responsible party, as appropriate.
  - (a) 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 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.
  - (a) Except when a court order exists limiting contact, the deputy should attempt to locate and place 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 Welfare Services or Adult Protective Services, if appropriate.
- (e) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If possible children should not be transported in a Sheriff's Office vehicle. In situations where such a transport cannot be avoided, all children will be transported in accordance with the law.

#### 336.3.2 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member should document the following information:

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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 should 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

#### **336.3.3 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.

#### **336.4 TRAINING**

The Training Manager 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

### 337.1 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).

#### 337.1.1 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)).

### 337.2 POLICY

It is the policy of the Nevada 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).

### 337.3 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 Nevada 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.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **337.4 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.

#### **337.5 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.

#### **337.6 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.

#### **337.7 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).

# Nevada County Sheriff's Office

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### *Service Animals*

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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

### 338.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office 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 office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

#### 338.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 338.2 VOLUNTEER MANAGEMENT

#### 338.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Operations Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Office staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 338.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with office 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 Office 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.

#### 338.2.3 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 limited to the following:

- (a) Local, state, and national criminal history background check. Fingerprints shall be obtained from all applicants and submitted to the California Department of Justice (Penal Code § 11105.05; Penal Code § 11105.2).
- (b) Traffic history check
- (c) Employment
- (d) References
- (e) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

#### 338.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Office. All volunteers 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 Office.

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#### 338.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Office, 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 Office. 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 Office.

#### 338.2.6 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 office regarding drug and alcohol use.

#### 338.2.7 DRESS CODE

As representatives of the Office, 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 office-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 office 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 office property at the termination of service.

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#### **338.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Office 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.

#### **338.4 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 office 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 office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. 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 Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

#### **338.5 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 Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

##### **338.5.1 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:

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### *Volunteer Program*

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- (a) Verification that the volunteer possesses a valid California Driver License.
- (b) 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 Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Office 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 Office vehicle Code-3.

#### **338.5.2 RADIO AND MDT 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.

#### **338.6 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. Sheriff

Volunteers may resign from volunteer service with the Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **338.6.1 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 Office.

#### **338.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator to ensure the best use of human resources available. Any problems should be brought to the attention of the Volunteer Supervisor to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

#### **338.8 POLICY**

The Nevada County Sheriff's Office shall ensure that volunteers are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient office and improve services to the community.

## Off-Duty Law Enforcement Actions

### 339.1 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 Nevada County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 339.2 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 office 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.

### 339.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and office policy. All firearms and ammunition must meet guidelines as described in the office Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their office-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.

### 339.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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### *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.

#### **339.4.1 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 a Nevada County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

#### **339.4.2 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.

#### **339.4.3 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.

#### **339.4.4 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.

#### **339.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Gun Violence Restraining Orders

### 340.1 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).

#### 340.1.1 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).

### 340.2 POLICY

It is the policy of the Nevada 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.

### 340.3 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 should work with County Counsel in petitioning the court should using 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).

#### 340.3.1 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.

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### *Gun Violence Restraining Orders*

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Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

#### **340.4 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 Civil Division and the Gun Violence Restraining Order Coordinator 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.

##### **340.4.1 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 Civil Division for filing with the court and appropriate databases.

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### *Gun Violence Restraining Orders*

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#### **340.5 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.

#### **340.6 CIVIL DIVISION RESPONSIBILITIES**

The Civil Division 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).

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### *Gun Violence Restraining Orders*

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#### **340.7 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.

#### **340.8 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).

#### **340.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Sheriff may 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.

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### *Gun Violence Restraining Orders*

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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 Civil Division 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 Manager 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 Manager to ensure deputies have access to relevant training (Penal Code § 18108) Two areas of emphasis are:
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).

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### *Gun Violence Restraining Orders*

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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).

#### **340.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The deputy who sought the gun violence restraining order (including temporary or ex parte orders) is responsible for the review of a gun violence restraining order obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

#### **340.11 POLICY AVAILABILITY**

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

#### **340.12 TRAINING**

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

# Native American Graves Protection and Repatriation

## 341.1 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.).

### 341.1.1 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.

## 341.2 POLICY

It is the policy of the Nevada County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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### *Native American Graves Protection and Repatriation*

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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.

#### **341.3 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 - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

#### **341.4 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).

## Community Relations

### 342.1 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.

### 342.2 POLICY

It is the policy of the Nevada 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.

### 342.3 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 the Regional Dispatch 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 Regional Dispatch Center of their location and status during the foot patrol.

### 342.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Office to serve as the community relations coordinator. This duty will usually fall upon the Community Outreach Sergeant or other designee. He/she should report directly to the Sheriff or authorized designee and is responsible for:

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- (a) Obtaining office-approved training related to his/her responsibilities.
- (b) Responding to requests from office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the office's relationship with the community.
- (d) Working with community groups, office members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between office members and the community and provide community members with an improved understanding of office operations.
- (e) Working with the Operations Division Commander or the designee 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 local government and other community meetings when requested 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.

#### **342.5 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:

- (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.

#### **342.6 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.

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- (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.

#### **342.7 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.

#### **342.8 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.

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.

#### **342.9 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.

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#### **342.10 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.
- (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.

## The Wrap Restraint

### 343.1 POLICY

It is the policy of the Nevada County Sheriff's Office to use objectively reasonable force in accordance with the law. The Sheriff's Office has approved the use of the Wrap within the guidelines provided.

### 343.2 PURPOSE

The Wrap provides a safe and quick method of controlling and immobilizing a violent or potentially violent/combative subject who has been taken into custody. This policy is intended to familiarize agency personnel with the Wrap and procedural guidelines for its use.

### 343.3 DESCRIPTION

The Wrap, manufactured by Safe Restraints, Inc., was designed as a temporary restraining device. Used properly it can increase officer safety and reduce risk of liability due to injuries and in-custody deaths. The Wrap immobilizes the body and restricts a subject's ability to kick or do harm to oneself and others. The Wrap minimizes the time required to secure a person safely, restrains the subject in an upright position, and has the subject prepared for transport or movement.

### 343.4 FIELD USE

The Wrap can be used prior to or after a violent or potentially violent/combative subject is controlled using approved departmental methods. Like any restraint device, do not assume the Wrap is escape-proof. Once applied, **THE SUBJECT SHOULD NOT BE LEFT UNATTENDED.**

The Wrap should be considered for use under the following situations:

- (a) Whenever you anticipate possible violent/combative behavior.
- (b) To immobilize a violent/combative subject.
- (c) To limit violent/combative subjects from causing injury to themselves or others.
- (d) To prevent violent/combative subjects from causing property damage by kicking.
- (e) To restrain subjects after a chemical spray or stunning device is used.
- (f) When conventional methods of restraint are not effective.
- (g) In transportation of violent/combative subjects.
- (h) To assist with cell extraction of violent/combative subjects.

Once the subject is properly restrained in the Wrap, they can be placed on their side or in a sitting position. This will increase the oxygen recovery rate and reduce the incidence of respiratory fatigue or positional asphyxia often caused by a subject being restrained in the prone position.

### 343.5 APPLICATION

The Wrap can be applied by one person if the subject is passive, but for violent/combative subjects, three or more people should be used. Only qualified personnel who have received training in the

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use of the Wrap should use this restraining device. Refer to the training manual for application guidelines.

#### **343.6 TRANSPORTATION**

Movement of the subject can be accomplished in two ways depending on their cooperation. The subject can either be carried or allowed to stand and shuffle step to the destination.

To carry the subject, it is recommended that between 2 to 4 personnel be used depending on the size and weight of the subject. Lift the subject by the arms and the ankles. A “log lift” carrying technique may be used when moving the subject. Proper lifting techniques should be followed to prevent unnecessary injury.

As an option to lifting, the subject may be moved by means of a shuffle. If the subject has calmed down and is cooperative, the lower Wrap leg band can be loosened to allow some leg movement below the knees without compromising security or safety concerns. By loosening the tether to the shoulder harness, the subject can be brought to a standing position with the help of officers and then allowed to shuffle to or from a vehicle or holding cell. If this method is used, appropriate support must be given to the subject to prevent possible injury.

Prior to vehicle transportation, re-check all belts to ensure that they are securely fastened. The use of a seat belt is recommended to limit movement and reduce the risk of injury to the subject. Whenever possible, one person should ride as an observer with the subject to ensure all straps remain tight and the subject has no medical problems. Re-checking the security of the Wrap and keeping the subject under constant observation should apply to any movement of the subject.

#### **343.7 PRECAUTIONS**

- (a) The shoulder harness should never be tightened to the point that it interferes with the subject’s ability to breathe.
- (b) The leg bands and shoulder harness must be checked frequently for tightness and retightened or loosened as necessary until the Wrap is removed.
- (c) If the restrained subject complains of or show signs of breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.), medical attention should be provided immediately.
- (d) THE SUBJECT SHOULD NEVER BE LEFT UNATTENDED.
- (e) Subjects should be placed in an upright sitting position or on their side as soon as possible to allow for respiratory recovery.
- (f) The Wrap is a temporary restraining device and is not escape-proof.
- (g) The Wrap is to be used by “trained personnel only”.

#### **343.8 TRAINING**

Only qualified personnel who have successfully completed the agency's training in the use of the Wrap should use this restraining device.

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#### **343.9 CARE AND MAINTENANCE**

The Wrap should be inspected after each use for signs of wear or damage. If any damage is discovered, forward the Wrap to appropriate personnel for repair or replacement. If cleaning is necessary after use, use a mild soapy solution or disinfectant approved for use on vinyl and nylon materials. If blood is absorbed into any part of the Wrap that part should be replaced. Thoroughly rinse all disinfectant from the unit prior to drying. After cleaning the Wrap, allow it to thoroughly air dry before being returned to its carrying bag.

#### **343.10 STORAGE AND PREPARATION FOR RE-USE**

It is important that the Wrap is immediately ready for use and prepared for storage in a way that prevents the loop fastening material on the bands from becoming dirty or entangled. This allows the Wrap to be quickly laid out next to the subject and applied without the confusion of having to untangle the bands. To properly prepare the Wrap for storage in the carrying bag;

- (a) Lay the Wrap on a flat surface with the leg band side up and detach the shoulder harness. Extend each of the leg bands out flat.
- (b) Individually fold each of the leg bands back onto itself so that the fold of the band protrudes an inch or two from the edge of the Wrap body.
- (c) Be sure the retaining "D" ring on the body of the Wrap and harness is open and ready for use.
- (d) Keeping the bands inside, roll the Wrap tightly towards the buckle and secure with the ankle strap and place in carrying bag.
- (e) Fully extend the harness buckles and tether. Attach buckles to its counterpart and roll the harness up and place it in the carrying bag compartment. Remember, like all tools of the trade, training is essential and the Wrap must be kept in good condition. It is also critical to have the Wrap available for use when needed to minimize the time the subject is restrained in a prone position.

# Generative Artificial Intelligence Use

## 344.1 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. Additional guidelines for preparing reports are found in Report Preparation Policy.

### 344.1.1 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.

## 344.2 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 Nevada 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.

## 344.3 RESPONSIBILITIES

### 344.3.1 AI COORDINATOR

The Sheriff or the authorized designee may appoint an AI coordinator. This responsibility will typically reside under an Administrative Lieutenant.

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

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- (a) Work with IS staff and the appropriate Division Commander to evaluate potential GenAI systems and recommend 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) Work with IS to ensure 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) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (e) Developing and updating training for the authorized users of each office-approved GenAI system.
- (f) 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.
- (g) If requested, conduct 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

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of trustworthiness. The coordinator may arrange for audits to be conducted by an external source, as needed.

- (h) 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.
- (i) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (j) Reviewing this policy and office practices and proposing updates as needed to the Sheriff.

#### **344.4 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.

##### **344.4.1 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).

#### **344.5 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.

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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.

#### **344.6 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

## Vehicle Pursuits

### 345.1 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).

#### 345.1.1 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.

### 345.2 POLICY

It is the policy of this office to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

### 345.3 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. Deputies are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

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.

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- (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.

#### **345.4 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.

##### **345.4.1 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.

##### **345.4.2 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.

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#### 345.4.3 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 Regional Dispatch 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.

#### 345.4.4 SECONDARY UNIT

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

- (a) Notifying Regional Dispatch 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.

#### 345.4.5 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.

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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.

#### **345.5 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 Regional Dispatch 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.

##### **345.5.1 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.

##### **345.5.2 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

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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.

#### **345.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

The Shift Sergeant of the deputy initiating the pursuit, or if unavailable, the Officer in Charge, 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) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this office.
- (i) Continuing the management and control of Nevada County Sheriff's Office units when a pursuit enters another jurisdiction.
- (j) Preparing documentation of the pursuit and conducting a post-pursuit review, as appropriate.

##### **345.6.1 SHIFT SERGEANT RESPONSIBILITIES**

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

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#### **345.7 REGIONAL DISPATCH 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.

##### **345.7.1 REGIONAL DISPATCH CENTER RESPONSIBILITIES**

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

- (a) Clearing the radio channel of non-emergency traffic.
- (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 the Shift Sergeant or Officer in Charge is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Logging all pursuit activities.

#### **345.8 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.

##### **345.8.1 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 Nevada 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.

##### **345.8.2 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.

When a request is made for this office to assist or take over a pursuit that has entered the jurisdiction of the Nevada County Sheriff's Office, the Shift Sergeant or Officer in Charge should review the request as soon as practicable, taking into consideration:

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- (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.

#### **345.9 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.

##### **345.9.1 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.
- (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.

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- (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.

#### 345.9.2 PIT

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.

#### 345.9.3 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.

#### 345.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks 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 ramming or roadblocks should be employed.

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Typically they should only be used when other reasonable alternatives have been exhausted or reasonably appear ineffective.

#### 345.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

#### **345.10 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.

#### 345.10.1 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.

#### 345.10.2 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, 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.

#### **345.11 DEBRIEFING**

Participating deputies should return to the Office as soon as practical following a pursuit to debrief with a supervisor if requested.

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#### **345.12 REPORTING REQUIREMENTS**

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

- (a) Pursuing deputies shall complete appropriate crime/arrest and pursuit reports.
- (b) If requested by the Patrol Lieutenant, the involved supervisor, or if unavailable, the Officer in Charge, 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 may conduct or assign a post-pursuit review, as appropriate.

The Sheriff may 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.

##### **345.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS**

The Shift Sergeant shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Shift Sergeant for review and distribution.

#### **345.13 PURSUIT TRAINING**

The Training Manager 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).

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

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should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

#### **345.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS**

The Training Manager 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.

#### **345.14 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.

#### **345.15 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.

## ADA Compliance

### 346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Nevada County Sheriff's Office services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

#### 346.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The member designated by the County to coordinate the office's efforts to comply with the ADA (28 CFR 35.107). The responsibility typically lies with Nevada County Risk Management.

**Assistive devices, auxiliary aids, and services** - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the County and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

**Disability** - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of office buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a office service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified

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interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

#### **346.2 POLICY**

It is the policy of the Nevada County Sheriff's Office that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Office.

The Office will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

#### **346.3 REQUESTS**

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

##### **346.3.1 DENIAL OF A REQUEST**

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  1. A substantial alteration of the service, program, or activity.
  2. An undue financial or administrative burden on the Office. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  3. A threat to or the destruction of the historic significance of a historic property.
  4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with office members and the person requesting the modification to determine if an alternative modification is available.

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- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with office members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
  - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
  - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  - 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

#### 346.3.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

#### 346.3.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

#### **346.4 COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method

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of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

#### 346.4.1 TYPES OF ASSISTANCE AVAILABLE

Office members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Office will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to office services, programs, and activities. The Office will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Office will not require that persons with disabilities use office-provided assistive devices, auxiliary aids, and services. Office-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

#### 346.4.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

#### 346.4.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.
- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

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#### 346.4.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Office will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

#### 346.4.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, office-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, office members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

#### 346.4.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

#### 346.4.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Office recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this office. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

#### 346.4.8 WITNESS OR VICTIM INTERVIEWS

Members who interview a witness or victim who demonstrates or states they are deaf or have a hearing loss shall make a good faith effort to secure the services of an interpreter without any

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unnecessary delay, unless the individual affirmatively indicates they do not need or cannot use an interpreter (Evidence Code § 754).

#### **346.5 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this office will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **346.6 ARREST**

If an individual with a communication-related disability is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the deputy reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **346.7 WEBSITE ACCESS**

The Sheriff's Office should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Office web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Office website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

#### **346.8 DOCUMENTATION**

Whenever any modification has been provided, the member involved should document:

- (a) The type of modification, assistive device, auxiliary aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Office or another identified source, as applicable.
- (c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

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#### **346.9 COMPLAINTS**

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the office's programs, services, or activities should document the complaint and promptly notify the ADA coordinator (28 CFR 35.107) in addition to following the Sheriff's Office complaint process. The Office shall assist persons with disabilities who require assistance to file a complaint regarding members of this office. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate.

#### **346.10 TRAINING**

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

##### **346.10.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of office assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
- (c) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Regional Dispatch Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing.

### 400.2 POLICY

The Nevada 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.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Nevada County. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic in situations when the California Highway Patrol is not available.

### 400.4 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.

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### *Patrol Function*

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Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

#### **400.5 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.

##### **400.5.1 CAMPUS LIAISON**

If there is a college or university in this jurisdiction the Nevada County Sheriff's Office should designate a liaison between our office and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated office staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control. This will generally fall upon the community outreach sergeant.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Nevada County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

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).

### 401.2 POLICY

The Nevada County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. Members shall not discriminate against any person based upon race, color, religion, national origin, citizenship, ancestry, marital status, gender, disability, age, veteran's status or sexual orientation; or any other protected classification.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

#### **401.4 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.

##### **401.4.1 REASON FOR CONTACT**

Deputies contacting a person should be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

##### **401.4.2 REPORTING 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 Nevada County Sheriff's Office is the primary agency, the Nevada 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).

##### **401.4.3 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).

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#### **401.5 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 their supervisor in a timely manner.
  - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall document any actual or alleged violations of this policy via a memo submitted up the chain of command. The Undersheriff shall assign staff to investigate the incident as appropriate.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

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

The Undersheriff or their designee 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 DOJ (Penal Code § 13012; Penal Code § 13020).

Supervisors should ensure that stop data reports are completed and provided to the Administrative Division designee for required annual reporting to the DOJ (Government Code § 12525.5).

#### **401.7 ADMINISTRATION**

Each year, the Operations Division Commander should review the efforts of the Office to provide fair and objective policing.

#### **401.8 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.

##### **401.8.1 ADDITIONAL STATE REQUIREMENTS**

Training should be conducted as directed by the Professional Standards Unit.

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- (a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this office who received initial bias-based policing training will thereafter be required to complete an approved 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)).

## Briefing Training

### **402.1 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

### **402.2 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.

### **402.3 RETENTION OF BRIEFING TRAINING RECORDS**

Briefing training materials and a curriculum or summary shall be forwarded to the Professional Standards Unit for inclusion in training records, as appropriate.

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## Crime and Disaster Scene Integrity

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 403.2 POLICY

It is the policy of the Nevada 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.

### 403.3 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.

### 403.4 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.

#### 403.4.1 SCENE MANAGEMENT CONSIDERATIONS

Scene management duties must continue until all emergency operations at the scene have been terminated and order has been restored.

The following items should be considered:

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- (a) The establishment of a Command Post.
- (b) Procedures for alerting other agencies.
- (c) Assuring the service of key private organizations, such as cleanup and disposal companies, is obtained as necessary.
- (d) Special protection requirements.
- (e) On-site communications.
- (f) The proper positioning of emergency vehicles.
- (g) Care should be exercised to assure that an infringement on another agency's area of responsibility or role does not occur.
- (h) Role and authority conflicts shall be resolved by the scene manager in favor of injured or threatened human life. Post emergency resolution of conflicts should be achieved through appropriate supervisory or command channels as soon as possible after the incident.

#### **403.5 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 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.

##### **403.5.1 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.

#### **403.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of this office 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).

# Special Enforcement Detail and Critical Incident Negotiation Team

## 404.1 PURPOSE AND SCOPE

The Special Enforcement Detail (SED) and Critical Incident Negotiation Team (CINT) are two specialized teams. These teams have 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).

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to SED and CINT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to members allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 404.1.2 SED AND CINT DEFINED

SED and CINT are designated units of deputies that are specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of office policy, such units may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 404.2 POLICY

It shall be the policy of this office to maintain a Special Enforcement Detail and a Critical Incident Negotiations Team to provide the equipment, manpower, and training necessary to maintain both teams. The SED should develop sufficient resources to perform four basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue
- (d) Precision Rifle/Observer

The CINT should develop sufficient resources to perform four basic operational functions:

- (a) Communications/Negotiations
- (b) Intelligence

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- (c) Tactical Liaison
- (d) Logistics

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SED and CINT missions and operations appropriate to this. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SED and CINT Commanders or his/her designee.

#### 404.2.2 ORGANIZATIONAL PROCEDURES

This office shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Team organization and function.
- (b) Personnel selection and retention criteria.
- (c) Training and required competencies.
- (d) Procedures for activation and deployment.
- (e) Command and control issues, including a clearly defined command structure.
- (f) Multi-agency response.
- (g) Out-of-jurisdiction response.
- (h) Specialized functions and supporting resources.

#### 404.2.3 OPERATIONAL PROCEDURES

This office shall develop a separate written set of operational procedures for SED and/or CINT. Because such procedures are specific to SED and CINT 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 SED operations (time permitting).
  1. All SED and CINT members should have an understanding of operational planning.
  2. SED and CINT training should consider planning for both spontaneous and planned events.
  3. SED and CINT should incorporate medical emergency contingency planning as part of the SED operational plan.

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- (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 the SED and CINT.
- (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 SED and CINT.
    - (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.

#### **404.3 TRAINING NEEDS ASSESSMENT**

The SED and CINT Commanders shall conduct an annual training needs assessment to ensure that training is conducted within team capabilities, office policy and the training guidelines as established by POST (11 C.C.R. § 1084).

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#### 404.3.1 INITIAL TRAINING

SED operators and SED 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 office requirements or POST standardized training recommendations.

CINT members should not be assigned a primary negotiator role until after they have attended a POST certified basic negotiators course.

#### 404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SED and CINT functions and other supporting resources should be completed prior to full deployment of the team.

SED operators and SED supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

In addition, SED and CINT members should follow the POST SWAT Operational Guidelines and Standardized Training Recommendations or the equivalent as determined by the agency.

#### 404.3.3 SUPERVISION AND MANAGEMENT TRAINING

SED operators and CINT members who have been selected to supervise the team as team leaders or assistant team leaders should attend the POST-certified Team Leader course or its equivalent.

Command and executive personnel are encouraged to attend training for managing the SED and CINT 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 team

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent within one year of assignment. SED command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

#### 404.3.4 SED ONGOING TRAINING

Training shall be coordinated by the SED Team Leader and approved by the SED Commander. The SED Team Leader 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 be approved by the SED Commander and consist of the following:

- (a) Each SED member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SED 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.

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- (c) Those members who are on vacation, ill, or are on modified 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 SED member shall perform the mandatory SED handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that member to seek remedial training from a team Rangemaster approved by the SED 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 SED member shall complete the quarterly SED qualification course for any specialty weapon issued to, or used by, the team member during SED operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SED commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SED 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.

#### 404.3.5 CINT ONGOING TRAINING

- (a) CINT members should complete a POST-certified basic crisis negotiator course or its equivalent.
- (b) CINT members should participate in documented quarterly training that maintains proficiency in core competencies, consistent with the type of SED missions identified by agency policy.
- (c) Periodic scenario-based training, in conjunction with the SED team, is encouraged.
- (d) CINT members should remain current on emergency communications and intelligence gathering technologies.
- (e) CINT command personnel should attend a POST-certified SED commander or critical incident commander course, or its equivalent, and attain an understanding of crisis negotiations protocols.
- (f) CINT members should receive orientation/familiarization training from the SED team.
- (g) CINT members are encouraged to provide crisis negotiation orientation/familiarization training for their agency's SED members.

#### 404.3.6 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

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#### 404.3.7 SCENARIO BASED TRAINING

The SED and CINT should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

#### 404.3.8 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Team Commanders. These records shall be forwarded to the Professional Standards Unit.

### **404.4 UNIFORMS, EQUIPMENT, AND FIREARMS**

#### 404.4.1 UNIFORMS

SED and CINT members from this agency should wear uniforms that clearly identify them as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

#### 404.4.2 EQUIPMENT

The SED and CINT should be adequately equipped to meet the specific mission(s) identified by the agency.

#### 404.4.3 FIREARMS

Weapons and equipment used by SED should be agency-issued or approved, including any modifications, additions, or attachments.

#### 404.4.4 OPERATIONAL READINESS INSPECTIONS

The SED and CINT team leaders should perform operational readiness inspections of all team equipment at least annually. The result of the inspections will be forwarded to the Team Commanders in writing. The inspections will include individual equipment issued to members of the teams, operational equipment maintained in the SED and CINT facilities and equipment maintained or used in SED and CINT vehicles.

### **404.5 MANAGEMENT/SUPERVISION OF THE SPECIAL ENFORCEMENT DETAIL AND CRITICAL INCIDENT NEGOTIATION TEAM**

The SED and CINT Commanders shall be selected by the Sheriff upon recommendation of the executive staff.

#### 404.5.1 PRIMARY UNIT MANAGER

SED and CINT shall each be commanded by a separate lieutenant who report to the Operations Commander.

#### 404.5.2 TEAM SUPERVISORS

The team supervisors shall be selected by the Sheriff upon specific recommendations by executive staff and the SED and CINT Commanders.

The following represent the supervisor's responsibilities for the CINT.

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The CINT and SED supervisor's primary responsibility is to supervise the operations of their respective teams which will include deployment, training, first-line participation, and other duties as directed by the team Commanders.

#### **404.6 CRITICAL INCIDENT NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Critical Incident 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 CINT.

##### **404.6.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation shall submit a change of assignment request letter of interest to the CINT Commander, a copy of which will be forwarded to the CINT supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CINT Commander, the CINT 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 the Division Commander for final selection.

The Critical Incident Negotiation Team will consist of a Team Commander, Team Leader and 8 additional negotiators. At least one negotiator should be selected as an Assistant Team Leader.

##### **404.6.2 TRAINING OF NEGOTIATORS**

Those selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained members may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels,

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established by the team supervisor, will be met and maintained by all team members. Any member of the team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

#### **404.7 SED TEAM ADMINISTRATIVE PROCEDURES**

The Special Enforcement Detail (SED) was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Enforcement Detail.

##### **404.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation (Consideration may be given for lateral employees) shall submit a letter of interest to the SED Commander a copy of which will be forwarded to the SED supervisor. 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 SED Commander. The testing process will consist of an oral board, physical agility, and firearms evaluations.

- (a) Applicants must be a Deputy II with this agency and have at least three years of full-time law enforcement service in a patrol environment and/or equivalent military experience.
- (b) Physical agility:
  - 1. The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SED-related duties. The test and scoring procedure will be established by the SED Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position. The description of the physical agility test will be maintained in the Professional Standards Unit.
- (c) Firearms qualification:
  - 1. The firearms qualification is designed to determine the capabilities of the applicant as it relates to performance of SED-related duties. The test and scoring procedure will be established by the SED Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position. The description of the firearms qualification test will be maintained in the Professional Standards Unit.
- (d) Oral board: The oral board will consist of personnel selected by the SED 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 a SED member;

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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.
- (e) A list of successful applicants shall be submitted to the Operations Captain, by the SED Commander, for consideration. That list will be provided to the Sheriff for final selection.
- (f) All applicants will be required to meet the psychological profile for an S.E.D. position as determined by the agency's contracted psychologist.
- (g) Acceptance to the Team will be on a probationary basis for a period of one (1) year. Upon satisfactory completion of this one (1) year probationary status, the member is eligible for non-probationary status with the Team. All members serve at the will of the Sheriff.

The Special Enforcement Detail will consist of a Team Commander, Team Leader and 12 additional SED Operators. At least one SED Operator should be selected as an Assistant Team Leader.

#### 404.7.2 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 SED Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SED Team members. Any member of the SED Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **404.8 OPERATION GUIDELINES**

The following procedures serve as guidelines for the operational deployment of the Special Enforcement Detail. Generally, the Special Enforcement Detail and the Critical Incident Negotiation Team will be activated together..

##### 404.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SED Team or CINT is needed and consult with the appropriate Team Commander.

##### 404.8.2 APPROPRIATE SITUATIONS FOR USE OF THE SED TEAM AND CINT

The following are examples of incidents which may result in the activation of the Special Enforcement Detail and Critical Incident Negotiation Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) High-risk search warrants.

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### *Special Enforcement Detail and Critical Incident Negotiation Team*

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- (f) Dignitary protection detail.
- (g) Cases of civil unrest.
- (h) Counter-sniper activity.
- (i) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

#### 404.8.3 OUTSIDE AGENCY REQUESTS

Deployment of the Nevada County Sheriff's Office SED TEAM and CINT in response to requests by other agencies must be authorized by the Operations Commander.

#### 404.8.4 MULTI-JURISDICTIONAL SED OPERATIONS

The SED and CINT, 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 SED and CINT operations will regularly be conducted; Multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Nevada County Sheriff's Office shall operate under the policies, procedures and command of the Nevada County Sheriff's Office when working in a multi-agency situation.

#### 404.8.5 MOBILIZATION OF THE SPECIAL ENFORCEMENT DETAIL

The On-Scene supervisor shall make a request to the appropriate SED or CINT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained by the Team Commanders. The Team Commanders will then notify the teams as soon as practical.

The On-Scene supervisor should advise the Team Commanders 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 SED and CINT Commanders or supervisors shall then call selected deputies to respond.

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#### 404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the CINT and SED, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  1. Securing any subject or suspect who may surrender.
  2. Taking action to mitigate a deadly threat or behavior.
  3. Evacuate any injured persons or citizens in the zone of danger.
- (d) Attempt to establish preliminary communication (verbal containment) with the suspect.
- (e) Be prepared to brief the CINT and SED Commanders on the situation.
- (f) Plan for, and stage, anticipated resources.

#### 404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the CINT and SED Teams at the scene, the Incident Commander shall brief the CINT and SED Commanders and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CINT and SED Commanders, whether to deploy the SED and CINT. Once the Incident Commander authorizes deployment, the SED Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SED and CINT. The Incident Commander and the SED and CINT Commanders (or his or her designees) shall maintain communications at all times.

#### 404.8.8 COMMUNICATION WITH CRITICAL INCIDENT NEGOTIATION TEAM PERSONNEL

All of those persons who are non-CINT 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 the primary CINT negotiator directly. All non-emergency communications shall be channeled through the CINT supervisor or his or her designee.

## Ride-Along Policy

### 405.1 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. It is specifically intended that this program be limited to departmental personnel or prospective departmental personnel who can benefit from it, a citizen who has a genuine law enforcement interest either from an academic or journalistic perspective, or for any other legitimate purpose.

#### 405.1.1 ELIGIBILITY

The Nevada 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.

Persons who fall under the categories listed below in this policy may be allowed to participate in a patrol ride-along program. Any other person must obtain permission on a case-to-case basis from the Sheriff, Undersheriff, or Division Commander.

The following persons are authorized to ride with patrol deputies:

- (a) Any employee of the Nevada County Sheriff's Office;
- (b) Sworn police officers currently employed by a law enforcement agency;
- (c) Regular or reserve deputy applicants who have completed the testing process and are on the eligibility list for hire. Persons in this category should be assigned to a field training officer (FTO) whenever possible;
- (d) Any regular employee of Nevada County with a legitimate interest or law enforcement purpose;
- (e) Any citizen who has a legitimate law enforcement purpose which could include journalistic, academic, or public relations related interest.

It shall be the affected shift sergeant's responsibility to verify that the individual falls under one of the above listed categories.

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

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#### 405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are at the discretion of the Patrol Sergeant or designee.

#### **405.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Shift Sergeant or designee. 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 Shift Sergeant or designee 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 Shift Sergeant 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.

ALL non-Nevada County Sheriff employees or non-law enforcement personnel, in order for the ride-along to be approved, SHALL read and sign the RIDE-ALONG PROGRAM AGREEMENT. These forms, once completed and approved, SHALL be kept on record for a period of at least three (3) years. The completed forms will be uploaded to the appropriate Sharepoint site.

[See attachment: Ride Along Program Agreement Form doc.pdf](#)

#### 405.2.1 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 Shift Sergeant.

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.

No one shall be permitted to participate in this program if he/she arrives with the odor of alcohol on the breath, or has taken a drug or medication which might adversely affect his/her conduct or impair his/her judgement during the ride along period.

Ride-alongs are not permitted to carry firearms with the exception of ride-along participants who are sworn peace officers in the State of California and permission of both the deputy and shift sergeant.

#### 405.2.2 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. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

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#### **405.2.3 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 Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **405.2.4 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 Nevada County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

#### **405.3 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.

Any concerns regarding the behavior of the ride-along should be documented in a memo up the chain of command.

#### **405.4 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
- (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

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- (g) The ride-long will not make any recordings or take any photographs without permission
- (h) Ride-along participants who are legally allowed to carry concealed weapons within this state may do so on the ride-along program with the permission of the shift sergeant
- (i) The Shift Sergeant or Officer In Charge may terminate a participant's ride-along if such action is justified based on the participant's attitude or actions

## Hazardous Material Response

### 406.1 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.

#### 406.1.1 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.

### 406.2 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 and the California Highway Patrol.
- (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).

### 406.3 REPORTING EXPOSURE(S)

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 in a worker's compensation packet that shall be forwarded to a manager and to the Professional Standards Unit. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the packet.

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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.

#### 406.3.1 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 may be obtained through the Fire Department, Public Health, or Cal OES with approval from the Professional Standards Unit.

## Hostage and Barricade Incidents

### 407.1 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.

#### 407.1.1 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.

### 407.2 POLICY

It is the policy of the Nevada 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.

### 407.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 407.3.1 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,

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### *Hostage and Barricade Incidents*

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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.

#### **407.4 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.

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.

##### **407.4.1 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.

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- (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.
- (k) Establish a command post.

#### 407.4.2 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.

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- (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.

#### **407.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Enforcement Detail (SED) and/or Critical Incident Response Team (CINT) response if appropriate and apprising the SED and CINT Commanders 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).
  - (a) 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

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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 Regional Dispatch 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.

#### **407.6 SED AND CINT RESPONSIBILITIES**

The Incident Commander will decide, with input from the SED Commander and the CINT Commander, whether to deploy the SED during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SED 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 SED. The Incident Commander, CINT Commander and the SED Commander or the authorized designee shall maintain communications at all times.

#### **407.7 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

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Nevada 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.

### 408.2 POLICY

It is the policy of the Nevada 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.

### 408.3 RECEIPT OF BOMB THREAT

Office 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 office evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning. The following are some questions which should be asked of someone reporting a threat:

- (a) When is bomb going to explode?
- (b) Where is it right now?
- (c) What does it look like?
- (d) What kind of bomb is it?
- (e) What will cause it to explode?
- (f) Did you place the bomb?
- (g) Why?
- (h) What is your address?
- (i) What is your name and date of birth?

In addition to the above, the person receiving the threat should note the tone, accent, and demeanor of the caller in addition any background noise which may assist in determining the caller's location or identity.

When deputies respond to the scene, they should advise of being "10-97", and make all last minute radio transmissions while still a minimum of 1,000 feet away, but preferably 1/2 mile away.

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#### **408.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

##### **408.4.1 NEVADA COUNTY SHERIFF'S OFFICE FACILITY**

If the bomb threat is against the Nevada County Sheriff's Office facility, the Shift Sergeant will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

##### **408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Nevada County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

If the bomb call is at a county facility inside city limits of, the primary jurisdiction rests with the police departments, except if it is within the following locations, in which case the Sheriff's Office will retain jurisdiction:

- (a) The jails
- (b) The courthouse
- (c) Evidence storage facilities
- (d) Nevada County Government Centers including Truckee

##### **408.4.3 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.

#### **408.5 PRIVATE FACILITY OR PROPERTY**

When a member of this office receives notification of a bomb threat at a location in the County of Nevada County, 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.

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- (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 Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### **408.5.1 ASSISTANCE**

The Shift Sergeant should be notified when sheriff's assistance is requested. The Shift Sergeant will make the decision whether the Office 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 Shift Sergeant determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (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.
  - (a) 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.
  - (b) 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.

#### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

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### *Response to Bomb Calls*

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- (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 Shift Sergeant including:
  - 1. The time of discovery.
  - 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.

#### **408.7 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.

##### **408.7.1 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.

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### *Response to Bomb Calls*

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- (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.

#### 408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional office personnel, such as investigators and forensic services
- Field supervisor
- Shift Sergeant
- 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

#### 408.7.3 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.

#### 408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Sergeant 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.

## Crisis Intervention Incidents

### 409.1 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.

#### 409.1.1 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.

### 409.2 POLICY

The Nevada 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.

### 409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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### *Crisis Intervention Incidents*

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#### **409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Sheriff should designate an appropriate Division Commander or designee 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.

See attachment: [Resources.pdf](#)

#### **409.5 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, request the Regional Dispatch Center conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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### *Crisis Intervention Incidents*

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#### **409.6 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.

#### **409.7 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 such as the Mobile Crisis Team and a supervisor should be requested as warranted.

#### **409.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis as necessary. Responding supervisors should:

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### *Crisis Intervention Incidents*

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- (a) Attempt to secure appropriate and sufficient resources.
- (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 as necessary Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **409.9 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.

##### **409.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

#### **409.10 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.

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### *Crisis Intervention Incidents*

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#### **409.11 EVALUATION**

The Division Commander or person designated to coordinate the crisis intervention strategy for this office should review and analyze the office response to these incidents. Any recommendations to alter the methods of response or training should be submitted through the chain of command to the Sheriff.

#### **409.12 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).

## Mental Illness Commitments

### 410.1 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).

### 410.2 POLICY

It is the policy of the Nevada County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

### 410.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

#### 410.3.1 VOLUNTARY EVALUATION

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.

### 410.4 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:

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### *Mental Illness Commitments*

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

#### **410.4.1 SECURING OF PROPERTY**

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).

If the person being taken into custody is the result of a court order (Welfare and Institutions § 5200), 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).

#### **410.5 TRANSPORTATION**

Transport for any individual for a 5150 commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

#### **410.6 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 and delivered while restrained, the deputy may assist with transferring the individual to facility

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restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

#### **410.7 DOCUMENTATION**

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

##### **410.7.1 ADVISEMENT**

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).

#### **410.8 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.
- (c) Facilitate the individual's transfer to jail.

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- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

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 Sheriff's Property Unit Policy).

##### **410.9.1 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 handling deputy 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.

The deputy should also consider the need for a Gun Violence Restraining Order.

#### **410.10 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

### 411.1 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.

### 411.2 POLICY

It is the policy of the Nevada County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

### 411.3 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.

#### 411.3.1 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.

### 411.4 NON-RELEASE

#### 411.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation without supervisor approval 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)

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- (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)

#### 411.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Shift Sergeant 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.
- (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:

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- (a) Previous failure to appear is on record
- (b) The person lacks ties to the area, such as a residence, job, or family
- (c) Unusual circumstances lead the deputy responsible for the release of 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. A copy of the form shall be submitted to jail staff and the other copy shall be attached to the report.

#### **411.5 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace 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.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

#### **411.6 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code

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- Violations of the Nevada County County codes
- Juvenile infraction citations shall be forwarded to the Nevada County Courts for further action

All other violations for juveniles shall be documented with a case number and the case should be referred to Nevada County Probation for further action including diversion.

#### **411.7 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Infractions can be documented on the reverse side of the records copy of the citation and entered into the appropriate RMS module. All misdemeanors and felonies 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

## 412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Nevada County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 412.2 POLICY

The Nevada 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.

## 412.3 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.

## 412.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers
  - 5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

#### **412.5 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.

#### **412.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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### *Foreign Diplomatic and Consular Representatives*

<b>Category</b>	<b>Arrested or Detained</b>	<b>Enter Residence Subject to Ordinary Procedures</b>	<b>Issued Traffic Citation</b>	<b>Subpoenaed as Witness</b>	<b>Prosecuted</b>	<b>Recognized Family Members</b>
<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. 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 Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. 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 Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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### *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

### 413.1 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.

### 413.2 POLICY

The Nevada 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.

### 413.3 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.

### 413.4 PLANNING

The 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.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.

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### *Rapid Response and Deployment*

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- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### **413.5 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.
- (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).

#### **413.5.1 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

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### *Rapid Response and Deployment*

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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).

#### **413.6 TRAINING**

The Training Manager 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).

## Immigration Violations

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Nevada County Sheriff's Office relating to immigration and interacting with federal immigration officials.

#### 414.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

### 414.2 POLICY

It is the policy of the Nevada County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

### 414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

### 414.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

#### 414.4.1 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).

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### *Immigration Violations*

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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).

#### 414.4.2 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).

#### **414.5 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).

#### 414.5.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

#### **414.6 FEDERAL REQUESTS FOR ASSISTANCE**

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this office should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

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#### **414.7 INFORMATION SHARING**

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

#### **414.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

#### **414.7.2 NOTICE TO INDIVIDUALS**

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Nevada County Sheriff's Office intends to comply with the request (Government Code § 7283.1).

If the Nevada County Sheriff's Office provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

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#### 414.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Nevada County Sheriff's Office shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

#### 414.7.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigation Unit supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section Policy).

#### 414.7.5 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

#### **414.8 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 Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit 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.

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### *Immigration Violations*

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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.

#### 414.8.1 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.

#### 414.8.2 REPORTING TO LEGISLATURE

The Investigation Unit supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

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#### 414.8.3 POLICE REPORTS

Upon request, a deputy or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

#### **414.9 TRAINING**

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

## **Emergency Utility Service**

### **415.1 PURPOSE AND SCOPE**

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this office should be handled in the following manner.

#### **415.1.1 BROKEN WATER LINES**

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by Regional Dispatch Center.

#### **415.1.2 ELECTRICAL LINES**

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### **415.1.3 RESERVOIRS, PUMPS, WELLS, ETC.**

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### **415.1.4 EMERGENCY NUMBERS**

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Regional Dispatch Center.

### **415.2 TRAFFIC SIGNAL MAINTENANCE**

The County of Nevada County contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of California.

#### **415.2.1 DEPUTY'S RESPONSIBILITY**

Upon observing a damaged or malfunctioning signal, the deputy will advise the Regional Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

## Aircraft Accidents

### 416.1 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.

#### 416.1.1 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.

### 416.2 POLICY

It is the policy of the Nevada County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 416.3 ARRIVAL AT SCENE

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).
- (g) Notify the shift sergeant if any aircraft involved is military, the extent of deaths and injuries, and what equipment and services are needed.

**CAUTION** – Do not touch ejection seat handles, which are usually marked yellow with black stripes. Pulling or jarring the handle could cause the seat to fire. Military aircraft also have explosive canopies and windows.

### 416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

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### *Aircraft Accidents*

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Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

#### **416.5 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

#### **416.6 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)

#### **416.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

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- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **416.8 DOCUMENTATION**

All aircraft accidents occurring within the County of Nevada County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of NCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

Note the weather conditions at the time of the crash. The deputy will contact the airport for the weather information using the Automated Weather Observation (AWOS) noting all of the following:

- (a) Clouds
- (b) Visibility
- (c) Temperature
- (d) Dew point
- (e) Wind speed and direction
- (f) Altimeter (barometric pressure)

Sketch and photograph the scene, if possible. Photograph the scene as soon as possible after the deputies' arrival, especially if there is snow, sleet, rain, fog et cetera. Photographs should be taken of damage to the aircraft, impact marks, landing gear marks, and the scene in general.

Note anything removed from the scene and by whom.

#### **416.8.1 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.

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- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### 416.8.2 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.

#### **416.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Field Training Officer Program

### 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 Nevada 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 - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

#### 417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of patrol experience, one of which shall be with this 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
- (f) Possess a POST Basic certificate
- (g) Must be off agency probation and have a current annual evaluation rating of "meets expectations/satisfactory" or better.

#### 417.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

### 417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program Supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs

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- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program Supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

#### **417.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the Nevada 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 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 Nevada 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 Nevada 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**

The FTO will be responsible for the following:

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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 Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

#### **417.6.2 FIELD TRAINING PROGRAM SUPERVISOR**

The Field Training Program Supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

#### **417.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator duties will generally reside with the Patrol Lieutenant. The Field Training Administrator should periodically review the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor. Additionally, the Field Training Administrator should review the completed Field Training Manual prior to the trainee being promoted to a solo deputy.

#### **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 and on the Field Training Program.

#### **417.6.5 END OF TRAINING**

Prior to being certified as a solo officer, the trainee will participate in an oral panel interview after which the trainee may be certified as a solo officer or returned to training for remediation. Generally the personnel on the panel will consist of the Field Training Administrator, the Field Training Coordinator and a Field Training Officer.

#### **417.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations

## Obtaining Air Support

### 418.1 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.

### 418.2 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.

#### 418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Shift Sergeant, or his/her designee, will advise dispatch to make the request.

#### 418.2.2 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

### 419.1 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.

#### 419.1.1 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.

### 419.2 POLICY

The Nevada County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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#### **419.3 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 Nevada County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

##### **419.3.1 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

#### **419.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

#### **419.5 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 Nevada 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.

## Shift Sergeants

### **421.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with office policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

### **421.2 DESIGNATION AS OFFICER IN CHARGE**

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances the Field Training Officer may be designated as the Officer In Charge. This policy does not preclude another deputy being designated as the Officer In Charge when operational needs require or training permits.

## Mobile Audio/Video

### 422.1 PURPOSE AND SCOPE

The Nevada County Sheriff's Office has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist members in the performance of their duties. This policy provides guidance on the use of these systems.

#### 422.1.1 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, in the cloud, or on portable media.

### 422.2 POLICY

It is the policy of the Nevada 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.

A violation of this policy may subject the member to discipline (see the Personnel Complaints Policy).

### 422.3 MAV COORDINATOR

The Sheriff or the authorized designee should delegate certain responsibilities to a MAV coordinator.

The responsibilities of the coordinator include:

- (a) Serving as a liaison between the Office and the MAV manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking MAV equipment, including properly marking MAVs as property of the Office and recording the date each MAV is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of MAV equipment and media systems and, when necessary, coordinating the repair or replacement of MAVs.

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1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all MAVs.
- (d) Managing MAV 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 MAV 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 MAV media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and office policy.
- (g) Developing and updating MAV training for members who utilize or are given access to MAV 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 MAVs (e.g., posting on the office website or social media pages).
  2. Gain insight into community expectations regarding MAV use.
- (i) Coordinating with the Records Supervisor to (see the Records Section and Records Maintenance and Release policies):
  1. Determine and apply proper retention periods to MAV media. Agency legal counsel should be consulted in determining retention periods.
  2. Develop procedures for the appropriate release of MAV media.
- (j) Coordinating with the Sheriff's Property Unit to develop procedures for the transfer, storage, and backup of evidentiary MAV media (see the Property and Evidence Policy).
- (k) Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.
- (l) Designating the persons responsible for downloading the recorded data from the MAV.

#### **422.4 MEMBER RESPONSIBILITIES**

At the start of each shift, members should test the MAV system's operation in accordance with manufacturer specifications and office operating procedures and training.

System documentation is accomplished by the member logging into and out of the MAV, using their credentials, at the start and again at the end of each shift. If the system is malfunctioning,

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the member shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

#### **422.5 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. It is important to note, the MAV cannot be activated remotely and can only be activated from inside the vehicle. If a member is outside their vehicle and a situation occurs which would prompt a recording, refer to the Body-Worn Cameras policy.

##### **422.5.1 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 member may activate the system any time the member 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. Code 3 driving 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 outside the vehicle in which it is expected to contact a person
- (c) All self-initiated activity outside the vehicle in which a member would normally notify Regional Dispatch Center
- (d) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

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1. Domestic violence calls
  2. Disturbance of peace calls
  3. Offenses involving violence or weapons
- (e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (f) Any other circumstance where the member believes that a recording of an incident would be appropriate

#### 422.5.2 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 at the scene. Recording may cease if a member is simply waiting for a tow truck or a family member to arrive, or in other similar situations where there is no evidentiary value.

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).

#### 422.5.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other members 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.

#### 422.5.4 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 the MAV Coordinator.

At reasonable intervals, supervisors should validate that recording procedures are followed.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office-involved collisions,), a supervisor shall ensure that the recorded media is handled in accordance with current evidence procedures.

If the MAV system is capable, 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. Personnel shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a member.

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#### **422.6 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office MAV technician or forensic media staff.

MAV media shall only be accessed and viewed for legitimate office-related purposes in accordance with the following guidelines:

- (a) MAV media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.
- (b) Members may review their own MAV media for office-related purposes. Members should document in their report if they reviewed MAV media before completing the report.
- (c) Investigators may review MAV media pertaining to their assigned cases.
- (d) A member testifying regarding a office-related event may review the pertinent MAV media before testifying.
- (e) Supervisors are permitted to access and view MAV media of their subordinates.
  - 1. Supervisors should conduct periodic reviews of a sample of each subordinate's MAV media to evaluate MAV use and ensure compliance with this policy. 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.
- (f) The Training Manager is permitted to access and view MAV media for training purposes.
  - 1. The Training Manager may review of a random sampling of MAV media to evaluate office performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Staff may review MAV media as part of their review to identify training needs.
  - 2. The Training Manager may use MAV media for training purposes with the approval of the Sheriff or the authorized designee. The Training Manager 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 MAV media before its use for training. When practicable, sensitive issues depicted in MAV media should be redacted before being used for training.
- (g) The Records Supervisor may access MAV media when MAV media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

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- (h) The MAV coordinator may access MAV media and the MAV media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

#### **422.7 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 member's report. The member shall ensure the recording is labeled under the appropriate case number or citation number in the MAV evidence system.

#### **422.8 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage, all recording media 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).

##### **422.8.1 COPIES OF ORIGINAL RECORDING MEDIA**

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.

Media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee.

##### **422.8.2 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 Nevada County Sheriff's Office should indicate this in an appropriate report. Members should ensure relevant recordings are preserved.

#### **422.9 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.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Members 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.

#### **422.9 MAV RESPONSIBILITIES**

- (a) The Sheriff's Property Unit is responsible for duplicating or providing all access to all recorded media.
- (b) Erasing of media shall only be done:
  1. Pursuant to a court order.

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2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value. This will usually be done automatically based upon the purge settings of the MAV system once the settings are approved by the Administrative Division Commander.
  - (c) The MAV Coordinator shall make a record of the MAV device prior to issuance to the field.
  - (d) The Administrative Division Commander or the designee is responsible for 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.

#### **422.11 INSTRUCTION**

All members who are authorized to use the MAV system shall successfully receive instruction on the device prior to deployment in the field.

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## Mobile Data Terminal Use

### 423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (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 office members and Regional Dispatch Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

### 423.2 POLICY

Nevada 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.

### 423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

### 423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security 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 Shift Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Office. 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 their 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.

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#### 423.4.1 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.

#### **423.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Sergeant or other office-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 should 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.

#### 423.5.1 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.

#### **423.6 EQUIPMENT CONSIDERATIONS**

##### 423.6.1 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 the Regional Dispatch Center. It shall be the responsibility of the dispatcher to document all pertinent information that will then be transmitted verbally over the sheriff's radio.

##### 423.6.2 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.

## Public Recording of Law Enforcement Activity

### 424.1 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 office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 424.2 POLICY

The Nevada County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office 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.

### 424.3 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.

### 424.4 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

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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.

#### **424.5 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 Office members, such as how and where to file a complaint.

#### **424.6 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 office-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Automated License Plate Readers (ALPRs)

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### 428.1 POLICY

The policy of the Nevada County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

### 428.4 DEFINITIONS

- (a) **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) **ALPR Operator:** Trained Office members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Office, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) **ALPR Administrator:** The Administration Division Commander or their designee, serves as the ALPR Administrator of the Office.
- (d) **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, local BOLO's, etc.
- (e) **Vehicles of Interest:** Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- (f) **Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) **Hit:** Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, domestic violence protective order or terrorist-related activity.

### 428.5 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Nevada County Sheriff's Office's ALPR system and the vendor's vehicle identification technology. It is used by the Nevada County Sheriff's Office to convert data associated with vehicle

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license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### **428.5.1 ALPR ADMINISTRATOR**

The Administration Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the office's website.

#### **428.6 OPERATIONS**

Use of an ALPR 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).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

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- (d) No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.
- (e) No ALPR operator may access office, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, deputies are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Deputies should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)
- (g) Hot Lists: Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or their designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Office's LPR system may be updated by agency sources more frequently than the Office may be uploading them and thus the Office's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Office members shall undertake the following:
  - 1. Verification of status on a Hot List: An officer must receive confirmation, from a dispatcher or other office computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
  - 2. Visual verification of license plate number. Deputies shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Office members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Office member would have a lawful basis to stop the vehicle.
  - 3. Office members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then

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- the Office member shall update with the dispatcher and original person and/or a crime analyst inputting the vehicle in the Hot List (Hit).
4. General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
  5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Office member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or their designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Office member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officer's attention to specific vehicles that have been associated with criminal activity.
  6. All Hot Plates and suspect information entered into the ALPR system will contain the following information at a minimum:
    - (a) Entering Office member's name
    - (b) Related case number
    - (c) Short synopsis describing the nature of the originating call
- (h) Training: No member of this Office shall operate ALPR equipment or access ALPR data without first completing Office-approved training.
- (i) Login/Log-Out Procedure: To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited. Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Nevada County Sheriff's Office. Office personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:
1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
  2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
  3. Use Based on a Protected Characteristic: It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
  4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.

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5. First Amendment Rights: It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
6. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:
  - (a) Criminal prosecution
  - (b) Civil liability
  - (c) Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Office policies.

#### **428.7 DATA COLLECTION AND RETENTION**

The Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with office procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

#### **428.8 RELEASING ALPR DATA**

The ALPR data may be shared only with public agencies and only as otherwise permitted by law (Civil Code § 1798.90.55).

For purposes of this section, a public agency is limited to California state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (Civil Code § 1798.90.5).

The following procedures are guidelines for ALPR requests:

- (a) The agency makes a written request for the ALPR data that includes:
  1. The name of the agency.
  2. The name of the person requesting.
  3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-California public agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

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#### **428.9 ACCOUNTABILITY AND SAFEGUARDS**

All data will be closely safeguarded and protected by both procedural and technological means. The Nevada 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 non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.
- (b) 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).
- (c) 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.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (e) Every ALPR Detection Browsing Inquiry must be documented by either the associated Nevada County Sheriff's Office case number or incident number, and/or a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

#### **428.9 TRAINING**

The Training Manager should 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).

#### **428.9 ALPR DATA DETECTION BROWSING AUDITS**

It is the responsibility of the Administration Division Commander or the Sheriff's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Office will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by office employees during the preceding period and determine if each inquiry meets the requirements established in section 429.9(e) of this policy.

The audit shall be documented in the form of an internal office memorandum to the Sheriff. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Sheriff, the memorandum and any associated documentation shall be filed and retained by PSU (Professional Standards Unit).

## 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 Nevada County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Nevada 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 Nevada 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 COMMUNITY OUTREACH SERGEANT

The Sheriff will designate a member of this office to act as the Community Outreach Sergeant. The responsibilities of the Community Outreach Sergeant include the following:

- (a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present or designate a person to 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 from taking reasonable enforcement action when facts support a reasonable suspicion of criminal

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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.

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

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office Community Outreach Sergeant. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Community Outreach Sergeant.

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 Community Outreach Sergeant 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 Community Outreach Sergeant 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.

## First Amendment Assemblies

### 430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 430.2 POLICY

The Nevada 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.

### 430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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#### 430.3.1 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.

#### 430.4 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 Regional Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 430.5.2 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.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### **430.5.3 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).

#### **430.6 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.

#### **430.7 USE OF FORCE**

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **430.8 ARRESTS**

The Nevada 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).

#### **430.9 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).

##### **430.9.1 MEDIA ACCESS**

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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#### **430.10 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.

#### **430.11 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, Regional Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

##### **430.11.1 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.

#### **430.12 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.

#### **430.13 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

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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.

#### 430.13.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the office website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the information required in Penal Code § 13652.1.

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#### **430.14 ANTI-REPRODUCTIVE RIGHTS CALLS**

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

## Civil Disputes

### 431.1 PURPOSE AND SCOPE

This policy provides members of the Nevada County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

### 431.2 POLICY

The Nevada 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 office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

Generally the Nevada County Sheriff's Office may conduct a civil standby under all or any one of the following circumstances:

- (a) Pursuant to a Court Order;
- (b) When there is a prior history of violence, either reported or known, to a deputy;
- (c) When approved by a supervisor.

### 431.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

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- (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.

#### **431.4 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.

##### **431.4.1 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.

#### **431.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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#### **431.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Suspected Terrorism Activity Reporting

## 432.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity related to terrorism.

### 432.1.1 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 terrorism activity** - Any reported or observed activity that a member reasonably believes may have a nexus 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.

An incident report should be used to document suspicious activity.

## 432.2 POLICY

The Nevada 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.

## 432.3 RESPONSIBILITIES

The Terrorism Liaison Officer Coordinator will manage suspicious activity report activities. The Terrorism Liaison Officer Coordinator duties will generally be the responsibility of the Search and Rescue Sergeant.

The responsibilities of the Terrorism Liaison Officer Coordinator include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

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- (b) 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.
- (c) 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.
- (d) Ensuring that terrorism liaison officer notification reports information is appropriately disseminated to members in accordance with their job responsibilities.
- (e) Coordinating investigative follow-up, if appropriate.
- (f) Coordinating with any appropriate agency or fusion center.
- (g) 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).

#### **432.4 REPORTING AND INVESTIGATION**

Any office member receiving information regarding suspicious activity possibly related to terrorism 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 an incident report 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 separate incident report and not included in the original incident report. The report number of the original incident should be included in the suspicious incident report as a cross reference. An incident report should be processed as any other incident report. The Terrorism Liaison Officer(s) (TLO) and the Shift Sergeant should be notified of the incident by the member responsible for the report and prepare a terrorism liaison officer notification to the closest Regional Threat Assessment Center (RTAC). If the matter is urgent and a TLO is not available, the member will report the incident directly to the RTAC.

#### **432.5 HANDLING INFORMATION**

The Records Section will forward copies of incident reports, in a timely manner, to the following:

- Investigation Unit supervisor
- Crime Analysis Unit
- Other authorized designees

## Medical Aid and Response

### 433.1 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.

### 433.2 POLICY

It is the policy of the Nevada 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.

### 433.3 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 Regional Dispatch 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 Regional Dispatch 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.

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#### **433.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **433.5 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, deputies 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.

Deputies shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **433.6 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.

#### **433.7 AIR AMBULANCE**

Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Deputies should direct vehicle and pedestrian traffic away from the landing zone.

Deputies 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.

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- 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.

#### **433.8 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).

##### **433.8.1 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 Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Regional Dispatch Center as soon as possible and request response by EMS.

##### **433.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

##### **433.8.3 AED TRAINING AND MAINTENANCE**

The Training Manager 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 Manager 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).

#### **433.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Trained members may administer opioid overdose medication (Business and Professions Code § 4119.9).

##### **433.9.1 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 Manager.

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Any member who administers an opioid overdose medication should contact the Regional Dispatch Center as soon as possible and request response by EMS.

#### **433.9.1 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

#### **433.9.4 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report and attach a Naloxone Utilization Report. (See attached) The Naloxone Utilization Report shall be provided to the Training Manager. The Training Manager shall provide the Naloxone Utilization Report to the local S-SV EMS Agency as directed by the report.

[See attachment: SSV Naloxone Utilization Report Form.pdf](#)

#### **433.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9). The Training Manager is responsible for issuing opioid overdose medications and opioid overdose medication records.

#### **433.9.7 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Manager 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.

#### **433.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, the arrestee 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.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

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.

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#### 433.10.1 HOSPITAL SECURITY AND CONTROL

Deputies who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with office protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Operations Division Commander should develop protocols related to the following:

- (a) Providing security and control during an examination or treatment, including:
  - 1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
  - 2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
- (b) Responsibility for continuing security and control if the person in custody is admitted to the hospital
  - 1. This should include transferring custody of the person to an appropriate agency.

#### **433.11 FIRST-AID TRAINING**

The Training Manager 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).

## Off-Highway Vehicle Program

### 435.1 PURPOSE AND SCOPE

The Nevada County Sheriff's Office OHV Program is a specialized program designed for deploying deputies into the remote areas of Nevada County to provide law enforcement services for those who pursue off-road vehicle recreation. OHV Operators will be responsible for education and enforcement of laws on Forest Service roads, rural county roads and other OHV areas within Nevada County that pose a unique challenge in providing traditional law enforcement services.

### 435.2 PROGRAM DETAILS

Given the unique areas the OHV vehicles will be utilized for, deployment of each vehicle will generally require a minimum of two Deputies as a "Doubled Unit" for officer safety reasons.

The OHV program will consist of three main types of specialized vehicles. Those vehicles are specifically equipped and designed to patrol these unique off-road areas of Nevada County. The three vehicles currently designated for OHV patrol for the Nevada County Sheriff's Office are as follows:

- 1 OHV Jeep
- 1 UTV
- 2 Dual Sport Motorcycles

#### 435.2.1 OHV JEEP

The operator will require knowledge of off-road vehicle operation to include, mechanical repairs, vehicle maintenance, familiarization with vehicle recovery, navigating extreme rocky terrain, maneuvering through water crossings, driving in inclement weather conditions and ascending and descending steep terrain.

The OHV Jeep is specifically upfitted allowing the capability of being deployed in the most extreme off-road conditions the county has to offer. For these reasons, there will be two levels of designated operators for the OHV Jeep.

The following will set forth each level.

Level 1 Operator: The level 1 operator is the highest tier operator of the OHV and will have authority to operate the vehicle in any terrain which could include, but is not limited to, rock crawling, river crossings, negotiating off camber terrain and deep snow or mud. Operator 1 will always be the primary operator when operating the OHV Jeep in terrain requiring Level 1 qualifications. The Level 1 operator shall be the primary decision maker when navigating technical terrain.

Requirements/Training:

- (a) Experience with off-road travel in extreme terrain.
- (b) Willingness to respond to emergencies during off hours.
- (c) Automotive mechanical skills assessment (See Attached Assessment Test)

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- (d) Successfully complete in house training and off-road driving assessment
- (e) Future Applicants will receive similar training and assessment by the OHV Jeep Coordinator or designee.
- (f) Knowledge of the Fordyce Trail and rural areas of Nevada County

**Level 2 Operator:** The level 2 operator may operate the OHV (Jeep) under normal driving conditions on county roads both maintained and unmaintained as well as forest service roads. Level 2 operators may accompany a level 1 operator during any level 1 deployment, however they will only be permitted to operate the OHV under emergency circumstances in which the level 1 operator becomes incapacitated.

#### Requirements/Training:

- (a) Knowledge of basic mechanical skills
- (b) Practical exam to be proctored by a Primary Operator

#### 435.2.2 UTV

##### Requirements/Training:

- (a) Online CA ATV Safety Course certification <https://atvsafety.org/atv-/ecourse>
- (b) 2-hour in house familiarization covering UTV usage and related equipment.

#### 435.2.3 DUAL SPORT MOTORCYCLES

##### Requirements/Training

- (a) M1 Motorcycle endorsement license.
- (b) 4-hour in house training and familiarization of Motorcycle and equipment.

### **435.3 OHV UNIFORMS AND EQUIPMENT**

Selected OHV personnel will wear approved Sheriff's Office Uniform during all OHV operations unless prior authorization is granted by the OHV Sergeant.

Helmets for the Dual Sport Motorcycles and UTV will be provided by the Sheriff's Office. Any Deputy who wishes to purchase their own helmet must have prior authorization from the OHV Sergeant. Personally owned helmets must be similar in design, color and be DOT approved.

Appropriate motorcycle gloves will be required while operating the Dual Sport Motorcycle. The purchase of gloves will be the responsibility of the operator.

### **435.4 OHV SELECTION PROCESS**

Sworn personnel interested in selection to any of the OHV vehicle teams will need to submit a letter of interest to the OHV Sergeant, detailing their interest in the position and listing their individual qualifications/experience. The OHV Sergeant will review submitted letters of interest to the selected program and submit a list of qualified applicants to the Lieutenant who oversees the OHV Program for final selection. Selected applicants will be notified by the OHV Sergeant if they are selected.

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Deputies continued participation in the OHV Program will be evaluated on a yearly basis to determine dedication and involvement to the program. Members not highly dedicated to the program will be removed.

Specific off-road training for the OHV Jeep and any in house training listed for the UTV or Motorcycles will be provided by the Sheriff's Office upon selection to a specific OHV Team.

## Body-Worn Cameras

### 436.1 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).

This policy does not apply to In Car Camera devices also known as mobile audio/video or MAVs.

#### 436.1.1 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.

**Direct Incarcerated Persons Contact** – Any contact with an Incarcerated Person (IP) where there is not a solid wall or window or a section or dorm door between a member and the person. This does not include a cell door.

**Event** - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

### 436.2 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).

### 436.3 RESPONSIBILITIES

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#### 436.3.1 BWC COORDINATOR RESPONSIBILITIES

The Sheriff or the authorized designee should delegate certain responsibilities to the BWC coordinators in the Administrative and Corrections Divisions.

The responsibilities of the coordinator include (Penal Code § 832.18):

- (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 requiring vendor assistance 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 Records Supervisor to (see the Records Section 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.
- (i) Coordinating with the Sheriff's Property Unit to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).
- (j) Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.

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- (k) Designating the persons responsible for downloading the recorded data from the BWC.

#### 436.3.2 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.

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.

#### **436.4 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) Prior to the use of a BWC, members shall log in with their credentials.
- (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.

#### 436.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Office that do not involve interactions with the public and/or incarcerated persons. Care should be taken to avoid incidentally recording confidential documents that the Office has a duty to keep secure (i.e., criminal justice information).
- (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.

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- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courthouse unless responding to a call for service or emergency situation. ([See Nevada County Superior Court - Rules of Court](#))
- (f) Interactions with undercover deputies or confidential informants.
- (g) To video record strip searches, however audio recording is permitted.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

Making copies of BWC videos for personal use, or disseminating those videos in any form or manner outside the parameters of this Body Worn Camera Policy is prohibited. Accessing, copying, or releasing files for non-law enforcement purposes is prohibited.

#### 436.4.2 ADDITIONAL PROHIBITIONS IN THE CORRECTIONS DIVISION

Members generally shall mute audio recording of patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. Members shall resume audio recording upon completion. Audio recording may be activated if the patient becomes uncooperative or resistive and the member needs to intervene for safety and security reasons, or when necessary by law or to preserve evidence. If an incident is inadvertently recorded, the member shall notify the Sergeant or Officer in Charge who will notify the Lieutenant or their designee assigned the ability to redact recordings.

If the medical evaluation would compromise the privacy of the patient, such as if the patient's body is exposed, members generally shall stop video recording patients during that portion of the exam. Video recording may be activated if the patient becomes uncooperative or resistive and the member needs to intervene for safety and security reasons. Members shall resume video recording upon completion.

When recording in hospitals and other medical facilities, members shall be careful to avoid recording persons other than the incarcerated person.

#### **436.5 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.

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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.

#### 436.5.1 ADDITIONAL ACTIVATIONS IN THE CORRECTIONS DIVISION

This policy is not intended to describe every possible situation in which the BWC should be activated.

BWCs shall be activated in the following situations:

- (a) While in the secure portion of the facility and in direct contact with an incarcerated person or their housing unit.
- (b) All contacts involving an incarcerated person and any potential adversarial contacts involving a contractor, volunteer or member of the public.
- (c) All self-initiated activity outside of the agency vehicle in which it is expected to contact a person.
- (d) Scene documentation.
- (e) Searches of any portion of the facility.
- (f) While supervising incarcerated person workers inside or outside the secure portion of the facility.
- (g) Providing assistance to another member engaged in any of the above situations.
- (h) Any other circumstance where the member believes that a recording of an incident would be appropriate.

Members of CERT shall activate their recorder during the operational phase of any deployment.

At no time is a member expected to jeopardize their safety in order to activate a BWC. However, the BWC should be activated in situations described above as soon as reasonably practicable prior to the contact.

When conducting a clothed search of a person and without sacrificing officer safety, it is advantageous to position the search so that it is captured on the BWC in order to capture the location of contraband items.

#### 436.5.2 ADDITIONAL ACTIVATIONS OF THE BWC WHILE TRANSPORTING INCARCERATED PERSONS

BWCs shall be activated for the loading and unloading of incarcerated persons. If a solid barrier is present, such as the metal divider in the transport vans, it is member discretion to activate the BWC for the transport. If a see-thru divider is present, such as the plexiglass/metal screen in patrol vehicles, BWCs shall be activated for the duration of the transport.

BWCs shall be activated if there is an incarcerated person contact during the transport (i.e. medical emergency, disturbance, etc.).

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#### 436.5.3 MOVEMENT OF INCARCERATED PERSONS WHILE AT THE COURTHOUSE (NEVADA CITY)

The Court Holding Officer will activate their BWC anytime an incarcerated person is in court holding and not secured inside a cell.

BWCs shall be activated for the movement of incarcerated persons to and from the transport vehicle and while inside court holding.

Members escorting incarcerated persons between court holding and a courtroom are not required to activate their BWCs unless an emergency situation or disturbance arises.

BWCs are not to be activated in the courthouse unless responding to a call for service or emergency situation.

#### 436.5.4 MOVEMENT OF INCARCERATED PERSONS WHILE AT THE COURTHOUSE (TRUCKEE)

Members are to activate their BWCs while loading and unloading, as well as escorting incarcerated persons between the transport vehicle and the Truckee Courthouse door.

BWCs are not to be activated in the courthouse unless responding to a call for service or emergency situation.

#### 436.5.5 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.

#### 436.5.6 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.

#### 436.5.7 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 whether a BWC was activated and should document:

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- (a) 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.
- (b) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (c) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (d) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

#### **436.6 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).

##### **436.6.1 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 may be tagged as restricted. Examples of files that may be restricted are:

- (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.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly downloaded and tagged by their subordinates.

#### **436.7 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.

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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 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.

#### 436.7.1 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 conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy. 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.
- (f) The Training Manager is permitted to access and view BWC media for training purposes.
  1. The Training Manager may 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. Staff may review BWC media as part of their review to identify training needs.
  2. The Training Manager may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Training Manager 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

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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 Supervisor 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.

#### **436.7.2 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 Administrative Division Commander or designee should review BWC media before public release.

#### **436.8 RETENTION OF BWC MEDIA**

Non-evidentiary BWC media should be retained according to the agency retention guidelines, after which it may be erased, destroyed, or recycled. Non-evidentiary media may be kept for more than the retention period 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).

#### **436.8.1 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 Sheriff's Property Unit Policy).

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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 Nevada 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).

#### **436.9 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.

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## Public Safety Scuba Diving Team

### 437.1 POLICY

To establish guidelines for use of agency personnel and volunteers involved in Public Safety scuba diving operations.

### 437.2 PURPOSE

To ensure that all public safety diving under the auspices of the Nevada County Sheriff's Office is conducted in a manner that maximizes the protection of public safety divers from accidental injury and/or illness.

### 437.3 TEAM PROCEDURES

#### 437.3.1 TEAM ORGANIZATION AND CONTENT

The Dive Team will consist of no more than seven (7) sworn full time deputies and unlimited volunteers. Volunteers must be active members of the Nevada County Sheriff's Search and Rescue Team who are in good standing.

#### 437.3.2 DIVER RESPONSIBILITIES

Each diver is responsible for maintaining a level of knowledge and training to enable an informed appraisal of the calculated risks involved in any diving activities undertaken.

#### 437.3.3 DIVER QUALIFICATIONS

- (a) Each public safety dive member will possess at least a basic open water diving certificate issued by an organization in good standing.
- (b) Each public safety dive member shall be trained, qualified, and certified for the diving mode being used. Each diver shall have experience or training in the following:
  - 1. The use of the instruments and equipment appropriate to the diving activity to be conducted.
  - 2. Dive planning and emergency procedures.
  - 3. Diver rescue techniques, cardiopulmonary resuscitation, oxygen administration, and other diving related first aid.
  - 4. Diving related physics and physiology as well as recognition of pressure related injuries.
- (c) Each public safety dive team member shall complete the dive team physical agility test once every six (6) months or as determined by the dive team supervisor. The physical agility test will be the I.A.D.R.S. ANNUAL WATERMANSHIP TEST. There are five exercises that evaluate stamina and comfort in the water, each rated by points. The diver must successfully complete all stations and score a minimum of 12 points to pass the test. The test should be completed with not more than 15 minutes between exercises. The physical agility test is mandatory as an active member of the dive team.

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- (d) Divers are required to attend all trainings and respond to all call outs in a timely matter. If a diver is unable to attend a training or call out, they are required to submit a memo to the Dive Supervisor as to the reason for not attending. Failure to submit the memo or attend the training could result in removal from the dive team. Any member who misses three (3) training sessions in a six (6) month period may also be removed from the team.

#### 437.3.4 DIVING PROCEDURES

All diving conducted under the auspices of the organization shall be planned and executed in a manner as to ensure that every diver involved maintains constant, effective communications with at least one other comparably equipped certified public safety diver in the water. This "buddy system" is based upon mutual assistance, especially in the case of an emergency. Dives should be planned around the competency of the least experienced diver.

If loss of effective communication occurs within a "buddy team", all divers within that team shall surface and reestablish contact. Exceptions may be made on a case by case basis in the event of a rescue or other exigent circumstances.

The solo line tended diver shall be sufficiently trained in this technique prior to his/her operational use of this type of solo diving. During a solo line tended diving operation, a standby diver in addition to the line tender shall be utilized.

Where an enclosed or confined space is not large enough for two divers, a diver shall be stationed at the underwater point of entry; and an orientation line shall be used.

Cavern and cave diving shall only be conducted by personnel with appropriate training and certifications.

Each diver shall on every dive possess the capability of attaining and maintaining positive buoyancy. An inflatable exposure suit by itself shall not be used as the sole source of buoyancy.

Both members of the diving pair must have an underwater timekeeping device, an approved depth indicator, and a submersible tank pressure gauge. Divers may delegate the determination of their depth and dive time to a surface tender or other individual appropriately equipped to perform such functions.

An appropriate dive table or dive computer must be available at the dive location. Each diver utilizing a dive computer or dive table must be trained to understand basic decompression theory and properly and safely operate the dive computer with which they dive.

Each diver relying on a dive computer to plan dives and indicate or determine decompression status must have their own unit. A diver who is not using a personal dive computer is prohibited from relying on a computer used by another diver. If one of the computers fails, the dive will be immediately terminated using appropriate surfacing procedures. Ascent rates shall not exceed 60 FSW/min.

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When practical, the diver should make a 5 minute stop between 15 and 25 feet, especially for dives deeper than 60 feet. Throughout all dives, the diver shall maintain an awareness of maximum depth and bottom time.

#### 437.3.5 REFUSAL TO DIVE

The decision to dive rests with the individual diver. A diver may refuse to dive without fear of penalty whenever the diver feels it is unsafe to make the dive. The ultimate responsibility for safety rests with the individual diver. It is the diver's responsibility and duty to refuse to dive or continue to dive if, in their judgment, conditions are unsafe, unfavorable, or if diving would violate the precepts of their training, or the guidelines of this document, or the member organization's diving manual.

#### 437.3.6 TERMINATION OF DIVE

- (a) Unless it compromises the safety of another diver already in the water, it is the responsibility of the diver to terminate the dive without fear of penalty whenever the diver feels it is unsafe to continue.
- (b) The dive shall be terminated while there is still sufficient tank pressure to permit the diver:
  - 1. To safely reach the surface, including decompression time; or
  - 2. To safely reach an additional air source at the decompression station.
- (c) It is suggested that an ascent to the surface from a dive of 100 feet or shallower be initiated when the tank pressure reaches 750 PSI.
- (d) The diving supervisor may terminate the dive at any time for safety or other operational reasons.
- (e) For each dive, one individual shall be designated as the diving supervisor. That person shall be in an appropriate location at the dive site or the dive location during the diving operation.

#### 437.3.7 DIVE PLANS

Before conducting any diving operation under the auspices of the Nevada County Sheriff's Office, the diving supervisor for a proposed diving operation should consider the following information:

- (a) Other divers involved and their qualifications as well as the type of certificate held by each participating diver.
- (b) Approximate number of proposed dives.
- (c) Location of proposed dives.
- (d) Estimated depths and bottom times anticipated.
- (e) Current environmental conditions, such as temperature, visibility, et cetera.
- (f) Proposed work, equipment, and boats to be employed, repetitive dives, and details of any hazardous conditions anticipated.

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#### 437.3.8 POST DIVE CHECKS

With the completion of a dive, each diver shall:

- (a) Report any physical problems or symptoms of decompression sickness or air embolism.
- (b) Perform an equipment check and report any problems or malfunctions to the diving supervisor.
- (c) When diving outside the no decompression limits, the divers should remain awake for at least one hour after diving and in the company of a dive team member who is prepared to transport him/her to a hyperbaric chamber if necessary

#### 437.3.9 RECORD KEEPING REQUIREMENTS

The diving supervisor shall maintain an appropriate diving log for each diving operation under the auspices of the Nevada County Sheriff's Office. Team members are encouraged to record and keep a log when recreational diving.

All diving accidents requiring decompression or resulting in injury shall be reported in accordance with the appropriate Labor Code section and agency policy.

Each dive team member must be able to perform the following minimum skills in open water:

- (a) Entering and leaving open water or surf (where applicable) wearing scuba gear.
- (b) Entering and leaving open water from a diving support vessel while wearing scuba gear.
- (c) Surface dive to a depth of 10 feet without the aid of scuba.
- (d) Clearing of regulator and mask while submerged.
- (e) "Buddy breathing" (air sharing) as both donor and recipient.
- (f) While wearing scuba gear, kick on the surface 1,000 feet without breathing compressed gas.
- (g) Maneuver efficiently in aquatic plants or other aquatic environments (where applicable) at and below the surface.
- (h) A simulated emergency swimming ascent.
- (i) Ability to achieve and maintain neutral buoyancy while submerged as well as proper weighting and controlled ascent, including a hovering stop.
- (j) Ability to navigate underwater.
- (k) Techniques of self rescue and "buddy rescue."
- (l) Specialized emergency procedures that are used in local diving operations.
- (m) Ability to plan and execute a dive.
- (n) Judgment adequate for safe diving.

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#### 437.3.10 DIVING EQUIPMENT

- (a) All diving equipment used by public safety divers shall conform to the standards set forth in this document. Every effort will be made to have all equipment standardized and compatible.
- (b) All inspections, tests, and maintenance must be accomplished by a technician or facility approved by the dive team supervisor.
- (c) Each equipment modification, repair, test, calibration, or maintenance shall be logged, including the date and nature of work performed, serial number of item, and the name of the person performing the work.
- (d) Scuba regulators and auxiliary equipment used in the Public Safety Diving Program shall be inspected prior to the first use and serviced at least once a year.
- (e) Scuba cylinders shall be designed, constructed, and maintained in accordance with the applicable provisions of the unfired pressure vessel safety orders.
  - 1. Scuba cylinders must be hydrostatically tested at least every five (5) years.
  - 2. Scuba cylinders must have a visual cylinder inspection at intervals not to exceed twelve (12) months.
  - 3. Scuba cylinder valves shall be functionally tested at intervals not to exceed twelve (12) months.
- (f) Backpacks and weight systems shall be regularly examined by the person using them.
- (g) All weight systems and backpacks worn by the diver shall be equipped with quick release devices designed to permit jettisoning the entire gear. The quick release device must operate easily with a single motion from either hand.
- (h) All personnel involved in the diving operation should wear personal flotation devices (PFD) appropriate to the task that they are performing.
- (i) Dive team member provided with county issued equipment is expected to take care of their issued equipment and have it ready to go at a moment's notice. Each diver will be allowed to keep their equipment at home, so they will be solely responsible for keeping it all together and in proper working order.
- (j) Divers may use their issued equipment for recreational diving in order to stay proficient with the equipment. This type of non-agency sanctioned diving is allowed in Nevada County or neighboring counties only, absent Sheriff or Sheriff designee approval.
- (k) Any issued equipment lost, stolen, or damaged beyond normal wear and tear when used for anything other than when on agency time will have to be replaced or fixed at the dive team member's own expense.
- (l) If a team member will be using his/her own equipment, it has to be approved by the dive team supervisor. The diver will have to provide a written list of equipment he/she intends to use while being a member of this dive team.
- (m) Any personal equipment in need of servicing that has been approved for use on the dive team will be paid for out of the dive team budget. Personal equipment that is

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### *Public Safety Scuba Diving Team*

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damaged will be fixed or replaced if at the time the equipment was being used during a dive team operation.

- (n) Nevada County Sheriff's diving equipment will be used exclusively by members of the agency's dive team. During a request for mutual aid, our equipment may be utilized by other professional diving units. At no time will Nevada County Sheriff's Office equipment be loaned or borrowed by civilians or family of sheriff's office personnel.

## **Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The California Highway Patrol is responsible for traffic enforcement in the unincorporated areas of Nevada County and persistent traffic issues may be referred to their office. This does not prevent Nevada County Sheriff's Office deputies from taking law enforcement action when a traffic issue is observed or from taking proactive action where traffic problems persist. The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC DEPUTY DEPLOYMENT

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 office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

When enforcing speed laws, deputies should normally allow a speed tolerance factor of ten (10) miles per hour, whether monitoring speed by use of a radar unit or by "pacing" a violator with a patrol car. However, the tolerance factor is only a guide and not an absolute policy. The deputy's judgment as to the safe speed for the conditions is more important than the posted speed limit or a "tolerance" limit.

The enforcement of parking regulations is the responsibility of the "beat" deputy. Citations or other enforcement actions should be issued for every "hazardous" parking violation observed by the "beat" deputy. Non-hazardous violations should be dealt with as time and other details dictate. During certain times or days, a parking enforcement officer may be assigned to issue parking

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### *Traffic Function and Responsibility*

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citations in various locations. When no parking enforcement officer is assigned, the primary responsibility remains with the "beat" deputy.

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

#### 500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

#### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (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 may issue a citation if warranted. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

### **500.5 HIGH-VISIBILITY VESTS**

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing

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### *Traffic Function and Responsibility*

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traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

#### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

#### 500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests should be made available by the Training Manager.

## Traffic Collision Reporting

### 501.1 PURPOSE AND SCOPE

The Nevada County Sheriff's Office refers traffic collisions to the appropriate local law enforcement jurisdiction. The California Highway Patrol handles traffic collisions on roadways in the unincorporated areas of Nevada County. The local municipal agencies are responsible for collisions occurring in the incorporated areas of Nevada County.

### 501.2 REPORTING SITUATIONS

#### 501.2.1 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. This will be in addition to the Nevada County Vehicle Accident Report. The Nevada County Vehicle Accident 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 Nevada County Vehicle Accident Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

## 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 Nevada 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 Section 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 Regional Dispatch 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 Nevada County. 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:

- Traffic-related warrant arrest.

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## Policy Manual

### *Vehicle Towing and Release*

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- 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.

When a deputy arrests a person for violation of Vehicle Code Sections 12500(a) or 14601 et seq, the deputy may impound and tow the vehicle regardless of whether the person is cited and released, and regardless of whether there are other licensed drivers in the vehicle. Prior to impound, the deputy should seek authorization from the on duty supervisor. The deputy shall check the "Impound" box on the CHP 180 form, put Section 22651(p) VC as the authority, and indicate in the "Remarks" section that the vehicle is impounded per Section 14602.6(a) VC (30-Day Impoundment).

If the driver's DMV record shows the driver to fall within the provisions of 12500(a) or 14601 et seq, and the driver has a previous conviction for 12500(a) or 14601 et seq, the vehicle is subject to forfeiture per Section 14607.6 of the Vehicle Code. The deputy may tow the vehicle and indicate on the CHP 180 form that the vehicle is to be forfeited per Section 14607.6 VC. A rotation tow company will be called.

Deputies shall not stop a vehicle for the sole purpose of determining whether the driver is properly licensed [VC 14607.6(b)].

Deputies shall not tow a vehicle pursuant to this policy if the driver's license expired within the preceding thirty (30) days and the driver would otherwise have been properly licensed [VC 14607.6(c)(2)].

Deputies should use discretion when the driver is an employee driving a vehicle registered to the employer in the course of employment.

#### 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

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### *Vehicle Towing and Release*

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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-COUNTY 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 should promptly telephone the specified authorized towing service. The deputy should be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher should call the next firm in rotation from the list of approved towing companies and shall make appropriate entries to ensure the following firm is called on the next request.

Dispatcher personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System.

#### **502.2.7 RECORDS SECTION RESPONSIBILITY**

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by 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**

A dispatcher will select the next firm from the rotational tow list. 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.

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### *Vehicle Towing and Release*

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- (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.

In situations when the tow is canceled prior to the arrival of the tow, the deputy will instruct the dispatcher to place the firm back at the top of the rotation tow list.

Towing companies on the rotational tow list shall be listed as approved vendors on the Tow Service Agreement of the Grass Valley and Truckee CHP Offices. A dispatch supervisor should confirm the rotational tow list with the local CHP offices once every 60 days.

#### **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.

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

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### *Vehicle Towing and Release*

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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 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 Nevada 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 Office.

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

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### *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 office'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 Office'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 Office.

## 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 Nevada 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

All deputies are expected to enforce DUI laws with due diligence.

Sheriff's deputies should arrest, transport, test, book, and complete all paperwork on intoxicated drivers in the unincorporated areas of Nevada County when the California Highway Patrol (CHP) is unavailable or unable to respond in a reasonable time frame. A reasonable time frame will be defined in the most recent Memoranda of Understanding between the Sheriff's Office and the local CHP office. As soon as possible after making the vehicle stop, the deputy will request the CHP when the deputy has reason to believe the driver is under the influence of alcohol or drugs if the vehicle stop was conducted in an unincorporated jurisdiction. The local jurisdiction may be requested in the event the vehicle stop was conducted in an incorporated area.

The Patrol Lieutenant will approve and maintain 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.

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### *Impaired Driving*

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#### **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.
- (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 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).

##### **504.5.2 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).

##### **504.5.3 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).

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### *Impaired Driving*

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#### 504.5.4 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)).

#### 504.5.5 BREATH SAMPLES

The Training Unit Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Training Unit Sergeant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

#### 504.5.6 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.

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### *Impaired Driving*

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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.

#### 504.5.7 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.

#### 504.6 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 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)).

#### 504.6.2 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.

#### 504.6.3 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.

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The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (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.

## **504.7 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 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.

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#### **504.7.2 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.

#### **504.8 ADMINISTRATIVE HEARINGS**

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

#### **504.8 RECORDS SECTION RESPONSIBILITIES**

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **504.9 TRAINING**

The Training Unit 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 Unit Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

## 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

Citation books can be ordered through the Sheriff Finance Division. The deputy assigned to maintaining forms is responsible for reordering when necessary.

### 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 Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant 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 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. A copy of the voided citation should be added to the electronic media of the associated report and the citation and copies shall then be destroyed. If there is no associated report, the details regarding the citation including the reason the citation was voided shall be documented in the citation module of the report writing system. Once approved by the Sergeant, the citation and copies shall be destroyed.

### 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 amendment form (DMV TR100) requesting a specific correction to his/her immediate supervisor. The citation and citation amendment shall then be forwarded to Records. Records shall send the citation and the citation amendment to the court having jurisdiction and to the recipient of the citation.

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#### **505.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this office, all employees issued traffic citation books shall return any unused citations to the Records Section.

#### **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 Patrol Lieutenant or the designee who will review written/documentary data. Requests for administrative reviews are available at the front desk of the Nevada County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency or dropped off in person at the Sheriff's Office in Nevada City.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own. Requests for an administrative hearing can be made to the Nevada County Collections Division.
- (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).

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- (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 to the Nevada County Collections Division 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).
- (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 office personnel will be contingent on the time of day, the location, the availability of office resources, and the vulnerability of the disabled motorist.

#### 506.3.1 MECHANICAL REPAIRS

Office 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 office 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 office 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 Nevada County County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

### 507.2 DOCUMENTING VEHICLES

Vehicles suspected of being in violation of the County of Nevada County 72-Hour Parking Ordinance shall be documented and noted on the Nevada County Sheriff's Office computer aided dispatch (CAD) event. No case number is required at this time.

A photograph of the vehicle should be taken in such a manner to later determine if the vehicle was moved. The vehicle tire shall not be chalked, however chalk may be used on the ground if necessary to mark the vehicle position. 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.

If the vehicle believed to be in violation has been moved during a 72-hour investigation period, the vehicle shall be photographed again for the 72-hour parking violation and the CAD event shall be updated.

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 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 Section immediately following the storage of the vehicle. It shall be the responsibility of the Regional Dispatch Center 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 Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent 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 Nevada 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 INITIAL INVESTIGATION

#### 600.3.1 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 Shift Sergeant.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 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 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.

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#### 600.4.1 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 Investigation Unit 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.

#### 600.4.2 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.
- (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.

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- (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).

#### **600.5 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.

#### **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.

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#### **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 that requires the use of a third party's account or online identifier requires the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

##### **600.7.2 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 supervisor and/or the Sheriff's designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **600.9 PLAIN CLOTHES OFFICERS**

##### **600.9.1 PLAIN CLOTHES OPERATIONS**

An officer working in a plain clothes assignment will not make any contacts with informants or suspects alone.

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All operations will be done with the full knowledge, involvement, and authorization of a supervisor. Officers working in a plain clothes operation will wear a body wire or be in audio or visual surveillance by back-up officers.

- (a) Wearing a body wire can also consist of the officer's surroundings being wired to allow overhearing the conversation.

The operation will be thoroughly briefed and an operational plan will be written, prior to any contacts and will include, but not be limited to:

- (a) Objectives, involved suspects, safety procedures, and roles and responsibilities of all persons involved.

Possible defenses on the case will be discussed, including but not limited to, entrapment and diminished capacity. While working in a plain clothes operation, officers will not use any drugs or commit criminal offenses.

When necessary, investigators will advise the Shift Sergeant or Officer In Charge and dispatch of the location or areas of operations. Only the information necessary for safety need be shared. The integrity of the investigation should not be compromised.

#### 600.9.2 ON CALL STATUS FOR INVESTIGATORS

In accordance with Deputy Sheriff's Association Memorandum of Understanding (DSA MOU), the Sheriff may direct Investigators to be on-call, either during the week, weekend, and/or approved holidays. Full time deputies, assigned as Investigators for the Major Crimes Unit (MCU) or Special Investigations Unit (SIU), may be assigned to On Call Status. The On Call Status shall consist of two (2) Investigators. Preferably, there shall be one (1) Investigator from the MCU and one (1) from the SIU.

By definition, On Call Status covers those hours not normally worked or assigned to the Investigators, including customary days off and County approved holidays.

Hours covered by On Call Status Investigators shall be those hours that no other regularly assigned investigator is on duty.

Investigators assigned to On Call Status shall make themselves available via home phone, cell phone, or other such means. The Investigator should have no more than a 60-minute response time to the ERAC building in Nevada City. They shall be equipped and prepared to do initial investigations. Once on scene of an event, they may make a determination to utilize additional resources as required. It is also required that the On Call Status Investigators shall be free of any alcohol or other substance rendering them unfit for duty during their On Call times.

On Call Investigators shall be assigned pursuant to a procedure approved by the Investigative Lieutenant. On Call Status may be assigned on a weekly basis. Unit sergeants shall notify the Communications Centers of the personnel assigned to On Call Status.

Investigators shall be compensated pursuant to provisions of the applicable MOU. Overtime shall be allowed once the Investigator leaves to respond to the call out.

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On Call Investigators shall not receive any other compensation, if not called to respond, other than the provision of the applicable MOU. Generally, telephone calls to an On Call Investigator shall not be considered a response for service.

If an On Call Investigator fails to respond, in person, when called by dispatch or other such approved means, within the 60-minute response time, the On Call Investigator may be required to forfeit his/her daily On Call stipend for the day they failed to respond, pursuant to the provisions of the applicable MOU. The Sheriff or Undersheriff may make allowances for failure to respond timely.

On Call Status Investigators shall immediately notify their supervisor and explain the situation, if they are not able to respond due to sickness, family emergency, or other unforeseen event, to assure a replacement is assigned. The supervisor shall make arrangements to cover the open on call slot and notify the Communications Centers of the change.

Weekend On Call Status commences once the last regularly assigned investigator is off duty on Friday evening. The weekend on call time then commences for a period of 48 hours. At the Sheriff's discretion, and if needed, weekday on call time would commence at 0001 Monday morning. Time after 0001 will continue until the first detective is on duty Monday morning. If the weekend includes a holiday, then the on call period is extended by 24 hours, and the investigator is paid an additional day's stipend. Weekday on call commences after the last regular investigator is off duty, until the first on duty investigator arrives the next morning. If schedules change, then a review of this policy may be necessary.

On Call Investigators are allowed to utilize their county vehicles for reasonable personal business, by themselves, in case of a call out while away from their residence.

#### **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 Nevada 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.

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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 [city/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 Investigation Unit supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section 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 Investigation Unit supervisor shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Office (Penal Code § 28220).

##### **600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION**

The Investigation Unit 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 Section for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Section 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.

### 601.2 POLICY

It is the policy of the Nevada 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.

### 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 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Regional Dispatch Center, should be the health and safety of the victim, the preservation of

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evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever necessary, an investigator should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### 601.5.1 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).

#### 601.5.2 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).

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#### **601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

##### **601.6.1 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT**

The Sheriff's Property Unit 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).

##### **601.6.2 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 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.

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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.

#### 601.6.3 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).

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Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### **601.6.4 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).

#### **601.6.5 NON-TESTING OF SAFE KITS**

Sexual assault survivors 18 years or older may be undecided at the time of the medical examination whether to report the sexual assault to law enforcement and may request that any collected medical evidence not be tested. If such a request is made, the medical facility is responsible for the transfer of the SAFE kit to the Nevada County Sheriff's Office, if the Office is the investigating agency. The Office shall retain the SAFE kit until the sexual assault survivor requests testing (Penal Code § 680).

If the Office receives a request for non-testing after the examination and the SAFE kit has not already been submitted to a crime lab, the SAFE kit shall be retained by the Office. If the SAFE kit has been submitted to the crime lab, but DNA testing has not yet begun, the assigned deputy shall notify the crime lab of the request, and the untested SAFE kit shall be returned to the Office and retained pursuant to office protocols (Penal Code § 680).

A sexual assault survivor who initially requested that their SAFE kit not be tested may later request testing, regardless of whether they decide to make a report to law enforcement. The Investigation Unit supervisor should ensure the SAFE kit is sent to the crime lab for testing (Penal Code § 680).

#### **601.7 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 Investigation Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Unit 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.

#### **601.8 CASE REVIEW**

The Investigation Unit supervisor should ensure case dispositions are reviewed on a case by case basis as the cases are submitted. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

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The cases should then be referred to the division lieutenant for review. A summary report should be included in the year-end statistics to the Division Commander.

#### **601.9 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 Investigation Unit 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.

#### **601.10 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - (a) Initial response to sexual assaults.
  - (b) Legal issues.
  - (c) Victim advocacy.
  - (d) Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - (a) Interviewing sexual assault victims.
  - (b) Sexual assault exam protocols
  - (c) Medical and legal aspects of sexual assault investigations.
  - (d) Serial crimes investigations.
  - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - (f) Techniques for communicating with victims to minimize trauma.

## 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 Nevada County Sheriff's Office seizes property for forfeiture or when the Nevada 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.
- (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.

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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 Nevada 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 Nevada 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).

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.

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#### 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.

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 Sheriff's Property Unit Supervisor is responsible for ensuring compliance with the following:

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- (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. Generally, all asset seizures will be conducted by the Special Investigations Unit (SIU). 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:
  - 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

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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.
- (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 (Health and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health 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).

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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).

All members of the SIU are prohibited from obtaining, through personal purchase or a straw purchase, any item sold that was the subject of an asset forfeiture proceeding. Any Nevada County Sheriff's Office personnel who were involved in any investigation that resulted in an asset forfeiture action in Nevada County is similarly prohibited from those purchases.

#### **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 (Health 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 Nevada 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 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 Nevada County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Nevada 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 Nevada 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 his/her supervisor. The deputy shall compile sufficient information through a background investigation including a criminal history check, a confidential informant agreement and a local records check. Additional factors including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility should also be taken into account.

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
- (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

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#### 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.

#### 603.3.4 USE OF INFORMANTS

When using an informant for a buy or contacting a target, the following procedure will be followed:

- (a) The informant will be briefed regarding where to go, what to purchase, how much to pay, length of time to stay, what to say, code word for safety reasons, and other applicable items.
- (b) The informant shall be searched, their vehicle shall be searched, and a body wire should be placed on him/her. Constant visual and/or audio surveillance of the informant should be maintained whenever possible.
- (c) Immediately after making a purchase, the informant will then recontact the deputy. The informant and their vehicle will then be searched again for money and/or drugs, debriefed, and the body wire removed.
- (d) The contraband will be logged and placed into evidence.

#### 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, Undersheriff, Division Commander, Division Lieutenant, Special Investigations Unit supervisor or their authorized designees.
  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 Nevada 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 Special Investigations Unit supervisor.
  3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

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- (e) Deputies shall not meet with informants unless accompanied by at least one additional deputy.
- (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, the transaction shall be completed in advance, itemizing the expenses.
- (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 him/her 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 his/her 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.
- (h) The informant appears under the influence of alcohol or narcotics.

#### **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.

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Informant files shall be maintained in a secure area within the Division Lieutenant's Office. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Undersheriff, Division Commander, Division Lieutenant, or their authorized designees.

The Investigations Division Commander 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 Special Investigations Unit supervisor is replaced, the files will be audited before the new supervisor 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 a supervisor 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) 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.
- (h) Name of the deputy initiating use of the informant
- (i) Signed informant agreement
- (j) Update on active or inactive status of informant

#### **603.5.2 INFORMANT FILES**

Informant files shall be kept in the Investigations Lieutenant's office in a secure location. Informant files shall not leave the Sheriff's Office without the approval of the Sheriff or Undersheriff.

Informant files shall be retained permanently unless otherwise directed by the Sheriff or Undersheriff.

#### **603.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

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- 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

The Special Investigations Unit supervisor will discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Sheriff.

#### 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 Special Investigations Unit buy/expense fund.
  1. The Special Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be reviewed by the Division Lieutenant and Division Commander.
  1. A written memo of the informant's involvement in the case shall be placed in the informant's file.
- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a memo.
  1. The memo shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Nevada County Sheriff's Office case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  2. The memo shall be provided to the Division Lieutenant.
  3. The memo will be kept in the informant's file.

#### 603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the 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

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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.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

[See attachment: Payment Acknowledgement Form.pdf](#)

#### 603.6.3 AUDIT OF PAYMENTS

The Special Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every 30 days, the Division Lieutenant or the authorized designee 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. The results of the audit shall be given to the Sheriff's Finance Unit. The Sheriff's Finance Unit should audit the informant funds approximately once every six months.

## 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 Nevada 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 Investigation Unit 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.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **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.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

#### **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

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

## Brady Material Disclosure

### 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 Nevada County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.**

### 605.2 POLICY

The Nevada 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 Nevada 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.

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### *Brady Material Disclosure*

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#### **605.4 DISCLOSURE OF PERSONNEL INFORMATION**

The Professional Standards Unit will monitor all administrative investigations for potential Brady material. In the event an investigation reveals potential Brady material, the Administrative Captain or the designee will notify the District Attorney's Office of its existence. Only the name of the potential witness will be disclosed. The nature of the investigation will not be disclosed to the District Attorney absent an order from the court.

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:

- (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 DISCLOSURE OF PUBLIC INFORMATION**

If the Office receives information that a member has a pending criminal prosecution for any misdemeanor or felony, in any jurisdiction, the Professional Standards Unit Lieutenant will notify the District Attorney's Office of the alleged offense and jurisdiction.

#### **605.6 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.

#### **605.7 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 Sheriff's Office 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 authorization of the Sergeant or OIC.

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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 when needed.
- 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 annual 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.

#### 606.4.1 OPERATOR

The operator's role is to safely operate the UAS in accordance with all applicable laws and policies.

- The operator may reject a flight based on personnel safety or violation of FAA regulations.
- The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.
- Operators are responsible for mission documentation and updating the flight book.

#### 606.4.2 OBSERVER

The observer's role is to assist in the safe and effective operation of the UAS. An observer will be utilized when the operator feels it is necessary for the safety of the operation.

The observer shall:

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- Assist the operator in avoiding obstacles and other aircraft.
- Assist the operator in the operation of any attachments to the UAS.
- Remain alert for safety issues surrounding the operator and observer.
- Handle radio communications.

#### **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. Operations can include:

- Crime scene documentation as well as lawful surveillance activities.
- Search and rescue missions.
- Mutual aid requests provided the request is consistent with the standards set forth in this policy.
- UAS demonstrations to educate the community about the capabilities of the UAS or gathering media for public outreach campaigns in accordance with the privacy section of this policy.
- To support tactical objectives and should be considered as a resource in any tactical planning. Deployments inside buildings will be subject to the restrictions currently in place for deploying robots, pole cameras, and other observation devices utilized by the Special Enforcement Detail (SED). Use of an UAS in this capacity must be authorized by the SED team commander.
- Utilization in an effort to protect members from unnecessary exposure to danger and minimize risk of injury to bystanders, law enforcement and suspects, and to enhance the likelihood of bringing peaceful resolution to potentially deadly or dangerous incidents.

#### **606.6 CALL-OUT PROCEDURE**

- (a) The Sergeant or Officer in Charge (OIC) shall make a request directly to qualified UAS member(s) to respond and deploy the UAS.
- (b) The UAS team members will handle all UAS operations, notifications and all necessary pre-flight guidelines as specified in the UAS Operations Guidelines.
- (c) Mutual Aid - The requesting agency's Sergeant or Officer in Charge (OIC) shall make a request via dispatch to the Nevada County Sheriff's Office patrol shift supervisor for qualified UAS Team members to respond and deploy the UAS.

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#### **606.7 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.8 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule or Sheriff's Office policies and procedures.

#### **606.9 CATEGORIZATION OF UAS DATA**

UAS data should be divided into to three categories for the purposes of Public Records Act Disclosure:

- Footage that is part of an investigatory file - UAV footage from calls for service that result in a law enforcement investigation (i.e., a case number was assigned).
- Footage of investigations - Investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred.
- Footage of factual inquiries - Use of a UAS of using a drone to make a factual inquiry to determine what kind of assistance is required, not to investigate a suspected violation of law. This category is typically used for agencies using UAVs as a first responder program to determine what type of response is most appropriate.

Once categorized, the release of UAS data will be completed according to current case law regarding the California Public Records Act.

## 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 Nevada 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 SED COMMANDER

If necessary, the SED commander (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 SED Commander 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 operations plan and risk assessment form (Threat Matrix Form) and submit it to the appropriate supervisor and the division lieutenant for review and classification of risk. Based upon the risk assessment, the SED commander may be notified for further review and classification (see the Operations Planning and Deconfliction Policy).

Warrants such as cellular phone data warrants or records warrants served electronically do not require the use of an operations plan or risk assessment.

### 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 operations plan and risk assessment form and submit it to the appropriate supervisor and division lieutenant for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the SED commander. 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.

#### **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 or no-knock 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 SED commander 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.

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- (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.
- (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 NO-KNOCK ENTRIES**

No-knock entries are only authorized if a no-knock warrant has been obtained or 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.

#### **607.9 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.

#### **607.10 ACTIONS AFTER WARRANT SERVICE**

The warrant author or person who executed the warrant 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.

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#### **607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The appropriate division sergeant 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 appropriate division sergeant. The sergeant should review and confirm the warrant, including the warrant location, the operations plan, and should discuss the service with the appropriate supervisor from the other agency. The sergeant should also relay the information up the chain of command. The sergeant should ensure that members of the Nevada County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Nevada County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee through the chain of command. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the division sergeant is unavailable, the Shift Sergeant should assume this role.

If deputies intend to serve a warrant outside Nevada 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 Nevada County Sheriff's Office when assisting outside agencies or serving a warrant outside Nevada County Sheriff's Office jurisdiction.

#### **607.12 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.

#### **607.13 TRAINING**

The Training Manager should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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#### **607.14 DOCUMENTATION**

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

## Operations Planning and Deconfliction

### 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction 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.

### 608.2 POLICY

It is the policy of the Nevada 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.

### 608.3 SED COMMANDER

The Sheriff will designate a member of this office to be the Special Enforcement Detail (SED) commander.

The SED commander will develop and maintain a risk assessment form or threat matrix to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The SED commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The SED commander will also have the responsibility for coordinating operations that are categorized as high risk.

### 608.4 RISK ASSESSMENT

#### 608.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, 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 property records. Where appropriate, the deputy should also submit information to these resources.

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### *Operations Planning and Deconfliction*

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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 RISK ASSESSMENT REVIEW

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 and the division lieutenant..

Based upon the results of the risk assessment, the supervisor and division lieutenant shall confer with the SED commander and determine the level of risk. Staff should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 608.4.3 HIGH-RISK OPERATIONS

If the SED commander, after consultation with the involved supervisor and division lieutenant, determines that the operation is high risk, the SED commander 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:
  - (a) SED and CINT
  - (b) Additional personnel
  - (c) Outside agency assistance
  - (d) Special equipment
  - (e) Medical personnel
  - (f) Persons trained in negotiation

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### *Operations Planning and Deconfliction*

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- (g) Additional surveillance
  - (h) Canines
  - (i) Sheriff's Property Unit or analytical personnel to assist with cataloguing seizures
  - (j) Forensic specialists
  - (k) 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 such as Western States Information Network (WSIN) 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**

The SED commander 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:
  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,

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- 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 form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form 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.

#### **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.

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- (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 supervisor shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the supervisor 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 supervisor to ensure that Regional Dispatch 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 Regional Dispatch Center, the dispatcher assigned to monitor the operation may 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 SED PARTICIPATION**

If the SED commander determines that SED participation is appropriate, the SED commander and the SED supervisor shall work together to develop a written plan including the role the CINT will play in the operation. The SED supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SED supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

#### **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 SED debriefing.

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#### **608.11 TRAINING**

The Training Manager should ensure deputies and SED 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 Nevada County Sheriff's Office's use of FGG will be in coordination with prosecutors, the Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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### *Forensic Genetic Genealogy*

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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. The unidentified human remains of a suspected homicide victim.
- (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 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

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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:

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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 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 and Evidence 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**

## Office Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of office property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees should promptly report through their chain of command, any loss, damage to, or unserviceable condition of any office issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable office property should be discontinued as soon as practical and replaced with comparable Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, office property should 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) Office property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee should 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 in accordance with the Nevada County Personnel Code.

### 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.
- (c) The property owner shall be directed to the Nevada County claims process.

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### *Office Owned and Personal Property*

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#### 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 county employee present or the county employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee should submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by any necessary supervisor's written report, should promptly be forwarded to the appropriate Division Commander.

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## 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 Nevada 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 for work-

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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 are provided as a convenience to facilitate on-duty performance only. Members who conduct personal business on an office-issued or funded PCD have no expectation of privacy as stated in the Privacy Expectation section of this policy. 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.

#### **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.
- (f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.

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- (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 Nevada 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 when necessary so as not to disturb workplace activity.
- (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.
- (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.

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#### **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 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.

#### **701.9 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.

## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### 702.2 DEFECTIVE VEHICLES

When a office 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. Any documentation shall be promptly forwarded to the agency designee overseeing fleet maintenance and the fleet services division.

#### 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 if deemed necessary. This decision to remove a vehicle from service can be made by anyone with knowledge of the vehicle's operating conditions. 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 office armory prior to the vehicle being released for maintenance, service or repair.

### 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all office 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:

- Emergency road flares
- A coroner bag
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- 1 Blanket

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- Hard plate armor
- 1 Fire extinguisher.
- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook

#### **702.3.2 UNMARKED VEHICLES**

An employee driving unmarked office vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- 1 Blanket
- 1 Fire extinguisher
- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook

#### **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 three-quarters of a 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.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **702.6 NON-SWORN EMPLOYEE USE**

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 Nevada County to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

### 703.2 POLICY

The Nevada 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

All staff who use a patrol vehicle should ensure the vehicle number is logged with dispatch via the MDT or radio system. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented in the same manner.

#### 703.3.2 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.

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.

#### 703.3.3 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.

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#### 703.3.4 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (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 Regional Dispatch Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

#### 703.3.5 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.

#### 703.3.6 KEYS

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 703.3.7 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.

#### 703.3.8 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.

#### 703.3.9 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.

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#### 703.3.10 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.

#### 703.3.11 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.

#### 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 Nevada County County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be properly secured (see the Firearms Policy regarding safe storage of firearms at home).

#### 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 Nevada County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Nevada County

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may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

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:
  - (a) 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.
  - (b) 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.
  - (c) When the member has received permission from the Sheriff or Division Commanders.
  - (d) When the vehicle is being used by the Sheriff, Division Commanders or members who are in on-call administrative positions.
  - (e) 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) Unattended vehicles are to be locked and secured at all times.
  - (a) 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).
  - (b) All weapons shall be secured while the vehicle is unattended.
  - (c) All office identification, portable radios and equipment should be secured.
- (f) 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 properly secured (see the Firearms Policy regarding safe storage of firearms at home).

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- (a) All members of the Sheriff's Office Special Enforcement Detail are required to secure their primary long-gun(s) inside their home and locked in an approved safe designed for the safe storage of firearms.
- (g) 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.
  - (a) If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
  - (b) If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (h) The member is responsible for coordinating 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 Nevada 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).

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 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 leave a note explaining the service or repair.
- (f) All weapons shall be removed from any vehicle left for maintenance.

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- (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 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. All collisions shall be reported in accordance with the Nevada County Personnel Code. (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 Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

#### **703.6 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.

#### **703.7 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.

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## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure office 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 Nevada 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 office operations and ensure the public trust.

### 704.3 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for office services shall discharge those duties in accordance with the procedures established by the Nevada County Auditor Controller for those tasks.

### 704.4 OTHER CASH HANDLING

Members of the Office 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.

### 704.5 INVESTIGATIONS IMPRESS ACCOUNT

A fund to be utilized for informants, buy-bust operations, and other investigations will be maintained by the Investigations Unit. This fund will be audited monthly by the Investigations Lieutenant and Investigations Sergeant. The results of the audit will be forwarded to the Sheriff's Finance Unit. The Sheriff's Finance Unit will audit the fund at least once every six months. The fund should also be audited whenever there is a change either the Investigations Lieutenant or Investigations Sergeant.

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# 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 Nevada County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 MEMBER 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.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

#### **705.6 RESPIRATORY PROTECTION**

The Special Enforcement Detail (SED) Commander or the designee is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. This will generally be the responsibility of the SED Team Leader. 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.
- (i) Ensuring proper use in routine and reasonably foreseeable emergency situations.
- (j) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations.
- (k) Training of employees in the proper use of respirators, including putting on and removing them, any limitations of their use, and their maintenance.

##### **705.6.1 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):

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- (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.

#### 705.6.2 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.

Respirators may be provided by the Sheriff's Office which are not required for use. In such situations employees are directed to view Appendix D to Section 1910.134 of the Occupational Safety and Health Administration code titled "Information For Employees Using Respirators When Not Required Under the Standard." See the link below:

[Information for Employees Using Respirators When Not Required Under the Standard](#)

#### 705.6.3 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 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:

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- (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.

#### **705.6.4 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.

#### **705.6.5 RESPIRATOR FIT TESTING**

If respirators are required, 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.

#### **705.6.6 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.

#### **705.7 RECORDS**

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.

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- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
  - 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.

#### **705.8 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.

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#### **706.2 POLICY**

It is the policy of the Nevada 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 Nevada 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:

[See attachment: AB 481 Inventory.pdf](#)

#### **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.

# Nevada County Sheriff's Office

## Policy Manual

### *Military Equipment*

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this 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.

#### **706.5.1 AUTHORITY TO PURCHASE CONSUMABLE ITEMS**

The Sheriff's Office shall have the discretion to purchase consumable items throughout the year, as necessary, to maintain a reasonable inventory. It is recognized that consumable military equipment items may be used for both training and enforcement purposes, potentially requiring additional purchases to maintain sufficient inventory levels.

#### **706.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this Office shall be approved for use and in accordance with this Office policy. Military equipment used by other jurisdictions that are providing mutual aid to this Office, or otherwise conducting law enforcement activities in this jurisdiction, shall comply with their respective military equipment use policies in performing such actions.

#### **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.

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#### **706.9 COMPLIANCE**

The Sheriff's Office will ensure employees comply with this policy. The Professional Standards Unit will conduct an annual audit of all military equipment. All other divisions that acquire, possess, or use military equipment shall be responsible to ensure their own compliance with this policy and will be subject to annual audit by the Professional Standards Unit. The Undersheriff will be notified of any policy violations and, if the Undersheriff deems it warranted, the violation(s) will be referred to an administrative investigation.

#### **706.10 PUBLIC SUBMITTAL OF COMPLAINTS, CONCERNS AND/OR QUESTIONS**

Any member of the public wishing to submit a complaint, concern, or question regarding the Sheriff's use of each specific type of military equipment should contact the Sheriff's Office directly so it may be addressed. Complaints, concerns, or questions can be submitted in any form (i.e. in person, telephone, email, etc). The Sheriff's Office will work diligently to timely respond to the public submittal of complaints, concerns, and/or questions regarding the Sheriff's use of each specific type of military equipment.

Members of the public may mail or call in complaints, concerns and/or questions to:

950 Maidu Ave.

Nevada City, CA 95959

(530) 265-1471

Members of the public wishing to utilize the internet, may utilize the web form located on our Sheriff's Office Website:

[Complaints, Concerns and/or Questions Link](#)

## **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 Office'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 Office'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.

## Regional Dispatch Center

### 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Regional Dispatch Center (RDC). It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

### 801.2 POLICY

It is the policy of the Nevada County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability providing continuous communication between Regional Dispatch Center and office members in the field.

### 801.3 REGIONAL DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Regional Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Regional Dispatch Center.

Access to the Regional Dispatch Center shall be limited to Regional Dispatch Center members, the Shift Sergeant, command staff, office members and other trusted individuals with a specific business-related purpose.

### 801.4 RESPONSIBILITIES

#### 801.4.1 COMMUNICATIONS MANAGER

The Communications Manager is responsible for management oversight of the Regional Dispatch Center and Records Bureau.

The Communications Manager reports directly to the Administrative Captain.

#### 801.4.2 SUPERVISING DISPATCHERS

The Sheriff shall appoint and delegate certain responsibilities to a Supervising Dispatchers. The Supervising Dispatchers are directly responsible to the Communications Manager or the authorized designee.

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

- (a) Overseeing the efficient and effective operation of Regional Dispatch Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.

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### *Regional Dispatch Center*

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1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
  - (e) Processing requests for copies of Regional Dispatch Center information for release.
  - (f) Maintaining Regional Dispatch Center database systems.
  - (g) Maintaining and updating Regional Dispatch Center procedures manual.
    - (a) 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 personnel to be notified in the event of an emergency.

#### 801.4.3 ADDITIONAL PROCEDURES

The Supervising Dispatchers should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (g) Protection of radio transmission lines, antennas and power sources for Regional Dispatch Center (e.g., security cameras, fences).
- (h) Handling misdirected, silent, and hang-up 911 calls.
- (i) Handling radio tower security alarms.
- (j) Radio interoperability issues.
- (k) Staff sick calls and shift vacancies.

#### 801.4.4 DISPATCHERS

Dispatchers report to the Supervising Dispatcher. 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.

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3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with office members in the field and support resources (e.g., allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, administrative messages).
- (b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
  - (c) Inquiry and entry of information through Regional Dispatch Center, office and other law enforcement database systems (CLETS, DMV, NCIC).
  - (d) Monitoring office video surveillance systems.
  - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
  - (f) Notifying the Shift Sergeant or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.
    4. Officer involved shootings.

#### **801.5 CALL HANDLING**

This Office provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for service 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 five key questions:

- Where?
- What?
- When?
- Who?
- Weapons?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate

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an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Regional Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **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 office members and affected individuals. It is recognized that, at times, a call may be quickly triaged and then placed on hold in order to answer additional incoming 911 lines.

Emergency calls should be dispatched immediately. If the beat unit is unavailable, the dispatcher shall make a general broadcast to field units. Additionally, the Shift Sergeant shall be notified of pending emergency calls for service when office 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 office 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) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (b) Members keeping the dispatcher advised of their status and location when assigned to a call for service..
- (c) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Supervising Dispatcher shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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#### 801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Nevada 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 office members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with "Nevada County", and identify the office 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 office member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign.

#### **801.7 DOCUMENTATION**

It shall be the responsibility of the Regional Dispatch Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident 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 Regional Dispatch Center may be confidential or sensitive in nature. All members of Regional Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available

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to authorized law enforcement personnel. At no time should a dispatcher broadcast a subject's medical information or criminal history over the radio. Prior to transmitting confidential warrant information via the radio, the dispatcher shall broadcast the radio code "10-12" to the involved member.

#### **801.9 TEMPORARY EMPLOYEES**

To maintain competence and keep up with ever-changing technology, temporary dispatchers are required to work a minimum of two shifts per week when staffing permits. Temps are authorized to work up to 29 hours a week per County Policy. Exceptions may be made on a case-by-case basis. Temps should routinely communicate with the Supervising Dispatcher about upcoming shift vacancies.

#### **801.10 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## Sheriff's Property Unit

### 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 Sheriff's Property Unit, 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; with the exception of firearms per the Department of Justice (DOJ).

#### 802.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. Members booking property shall observe the following guidelines:

- (a) Complete the property entry in RMS describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

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### *Sheriff's Property Unit*

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- (c) Once the entry is complete in RMS, print an evidence tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number and item number in the upper right hand corner of the bag. Each package/envelope shall be sealed with evidence cellophane tape across any points of entry. The employee shall place his/her initials and the date along the evidence tape seal.
- (e) The original property receipt shall be submitted with the case report. A copy of the property receipt shall be given to the person from whom the property was taken, or left at the scene if no person is present.
- (f) When the property is too large to be placed in a locker, the item may be retained in large item storage. The RMS entry shall reflect the actual location of the property item.

#### 802.2.2 NARCOTICS AND DANGEROUS DRUGS

After a gross weight is obtained, 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.

The deputy seizing the narcotics and dangerous drugs shall place them in the evidence locker.

#### 802.2.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. 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 and Evidence Technician is responsible for the destruction of 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 in the drying cabinet and the property report shall indicate that the items were placed in the cabinet in the Property Unit. The key to the drying cabinet shall be booked and submitted separately as an evidence item.
- (b) License plates found not to be stolen or connected with a known crime, should be packaged and booked as found property. RMS entry should include registered owner's information. License plates that are unclaimed for 90 days will be returned to DMV.
- (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

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## Policy Manual

### *Sheriff's Property Unit*

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the Property and Evidence Technician, or placed in the bicycle storage area until a Property and Evidence Technician can log the property.

- (d) All cash shall be counted in the presence of two deputies. Cash shall be booked in a money envelope and signed by both deputies. The Shift Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 802.2.5 VEHICLES

Generally only vehicles with evidentiary value that need to be processed at the Sheriff's Property Unit shall be towed to the Sheriff's Facility. Vehicles from coroner cases should be secured on scene if possible or towed to the tow yard after coroner seals have been applied. If a vehicle is taken to the sheriff's facility it shall be approved by the shift sergeant or officer in charge. The deputy booking the vehicle shall ensure the vehicle is secured. Any open doors, windows, or sunroofs shall be sealed to prevent entry of animals, debris, or moisture. A barcode label shall be placed in the upper right corner of the windshield. The vehicle key shall be booked separately into the sheriff's facility.

#### 802.2.6 RELINQUISHED FIREARMS

Individuals who relinquish firearms who are subject to the relinquishment provisions of Penal Code § 29810(a)(1) 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 of the county, stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Technician shall update 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

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### *Sheriff's Property Unit*

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- (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
- (g) Cash

#### 802.3.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Members shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes or appropriate sharps containers should be used to package knives. Money shall be booked in money envelopes. Guns shall be booked in appropriate sized gun boxes. Empty syringes shall be photographed and discarded in the sharps container unless they are needed for DNA/fingerprint purposes in which case they shall be booked in a sharps container. Loaded syringes shall have the contents transferred to a pristine vial for analysis and the syringe packaged or discarded as appropriate.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

#### 802.3.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated locker.

In narcotic cases being sent to the District Attorney for prosecution, suspected narcotics shall be packaged securely and placed in a Department of Justice envelope for processing. The chain of evidence shall be recorded on this envelope.

The booking deputy shall tape, date, and initial the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property. A completed property tag shall be attached to the outside of the container.

After the packaging process is complete, a gross weight shall be taken of all narcotic packages before booking the item into the Property Unit. The deputy shall document the gross weight, date, and their initials on the exterior of the packaging, using the gross weight stamp provided.

Syringes are not to be booked into evidence. Syringes are to be photographed for evidentiary purposes and the syringe placed in a designated sharps container for destruction. Photographs of syringes are to be marked with an evidence number in the report and uploaded to the multimedia section of the report. Deputies are not to hit the "submit" button for the photographic evidence.

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#### 802.3.3 IMPROPERLY PACKAGED OR LABELED PROPERTY

Any property submitted to the Sheriff's Property Unit that is incorrectly packaged or labeled will not be accepted by Property Unit personnel and shall be brought to the attention of the deputy or a supervisor for repackaging and/or relabeling.

#### **802.4 RECORDING OF PROPERTY**

The Property and Evidence 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 in RMS.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and RMS.

Any changes in the location of property held by the Nevada County Sheriff's Office shall be noted in RMS.

#### **802.5 PROPERTY CONTROL**

Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information in the appropriate module of the Records Management System (RMS). Deputies desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court day and provide a copy of their subpoena.

##### 802.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be completed to maintain the chain of evidence.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence 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 chain of custody forms.

The Property and Evidence Technician releasing the evidence must complete the required information in RMS. The chain of custody forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the member will record the delivery time, and indicate the locker in which the item was placed or the member 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 Sheriff's Property Unit.

##### 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 in RMS, stating the date, time and to whom released.

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The Property and Evidence 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 in RMS, indicating date, time, and the person who returned the property.

#### 802.5.4 AUTHORITY TO RELEASE PROPERTY

Evidence will be released only after authorization from the investigating officer or his/her supervisor in the absence of a release order/disposition from the Court or District Attorney's 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 publication 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 and Evidence Technician shall release the property upon proper identification being presented by the owner, his or her designee or a designee established by the Coroner or a court stipulation for which an authorized release has been received. If the owner designates someone to pick up the property on their behalf, the designee must provide the Sheriff's Property Unit with a letter giving the designee permission to pick up the specific items(s). The letter must be signed by the property owner, and have a copy of the owner's photo ID. If the property owner is in custody, they can fill out a property release form provided by the correctional facility staff, giving a designee permission to pick up their property. A signature of the person receiving the property shall be recorded on the property release form. Upon release, the proper entry shall be documented in RMS.

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.

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The Property Technician 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 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property Unit will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this office, including paraphernalia as described in Health and Safety Code § 11364.

#### 802.5.8 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 and Evidence 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).

#### 802.5.9 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).

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If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Nevada 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 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 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.

#### **802.5.11 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 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 and Evidence Technician shall request a disposition or status on all property which is beyond the statute of limitations and for which no disposition has been received from a supervisor or detective.

All safekeeping property must be held for 90 days per Civil Code § 2080.10, unless returned to its owner or designee. Where the owner has not been located or fails to claim the property, it may be disposed of in compliance with existing laws.

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### *Sheriff's Property Unit*

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All found property must be held for 90 days unless returned to its owner or designee. If unclaimed by its owner, the property must be kept for an additional 30 days to be released to the finder, with the exception of firearms and items which may contain the owner's personal information, it may be disposed of in compliance with existing laws after 120 days( Civil Code § 2080 et seq.).

#### 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)
- 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 MONEY

All money shall be booked in money envelopes and requires a secondary signature verifying the correct count prior to being sealed by the booking member.

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.

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All money submitted to the Property Unit shall be considered for deposit, unless it contains specific evidentiary value. Evidentiary value could be, but not limited to dyed or marked money. All money considered for deposit should be photographed prior to deposit.

Money should be considered for deposit when it exceeds \$1000.

All safekeeping money totaling less than \$300 per case will be maintained in the Property Unit safe for a period of 60 days. All safekeeping money non-returned within 60 days shall be deposited and returned at a later date, if claimed.

All found money totaling less than \$300 per case will be maintained in the Property Unit safe for 90 days. All "found" money not returned within 120 days shall be deposited and returned at a later date, if claimed.

#### 802.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Sheriff's Property Unit Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigations 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 Sheriff's Property Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file to include RMS. 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 Investigations 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 Investigations 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).

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#### 802.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Sheriff's Property Unit 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.
- (d) The property unit staff will obtain a case number to write a report indicating which firearms and other weapons were destroyed. The report will include the date and time, the company that destroyed them, and the Sheriff's Office employee(s) that witnessed the destruction. The RMS multimedia section will include the scanned original of the court order of destruction authorizing the destruction of the items.
- (e) The property unit staff will have a two-person procedure for reviewing the court order of destruction and both property unit staff will be responsible for signing off the destruction of the firearms and other weapons.

The Sheriff's Property Unit supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Nevada County Sheriff's Office website (Penal Code § 18005).

#### 802.6.5 DESTRUCTION OF NARCOTICS AND DRUGS

The Sheriff's Property Unit supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of narcotics and drugs that includes but is not limited to the following:

- (a) Identification of narcotics and drugs that need to be destroyed
- (b) Maintenance of records of narcotics and drugs that need to be destroyed, the records of the destruction and disposal of those narcotics and drugs
- (c) Identification of any law enforcement agency that the Office contracts with or has an agreement with related to the destruction of the narcotics and drugs that outlines the responsibilities of this Office and the other agency.
- (d) The Property Unit staff will obtain a case number to write a report indicating which narcotics and drugs were destroyed. The report will include the date and time, the company that destroyed them, and the Sheriff's Office employees that witnessed the destruction. The RMS multimedia section will include the scanned original of the court order of destruction authorizing the destruction of the items.
- (e) The Property Unit staff will have a two-person procedure for reviewing the court order of destruction and both property unit staff will be responsible for signing off the destruction of the narcotics and drugs.

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#### **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.
- (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) The Property Unit shall be continually inventoried by evidence/property technicians at least one day per week. Firearms, money and narcotics will be inventoried twice yearly as such:
  - 1. Firearms shall be inventoried February and August
  - 2. Money shall be inventoried March and September
  - 3. Narcotics shall be inventoried April and October
- (e) Whenever a change is made in personnel who have access to the evidence room all alarm codes shall be changed and an inventory of all firearms, money, and narcotics 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. All records of inspections and audits will be kept by the Professional Standards Unit.

#### **802.8 EVIDENCE ROOM CONTROL AND SECURITY**

Only the following personnel are authorized entry into the secured areas of the evidence facility:

- (a) Property and Evidence Technicians
- (b) Volunteer staff and temporary staff assigned to the evidence facility may have access to secured areas under proper supervision, and shall record their entry on a log. This log will contain name, date, time, property/evidence staff escort, and the reason for entry.
- (c) Any persons entering the secured evidence facility, other than Property and Evidence Technicians shall be escorted by a Property and Evidence Technician, and shall record their entry on a log. This log will contain name, date, time, property/evidence staff escort, and the reason for entry.

#### **802.9 EMERGENCY ENTRY PROCEDURES**

In the event of an emergency requiring entry into the Property Unit, when no Evidence Technicians are available, a key may be obtained from the Regional Dispatch Center or the Personnel and Training Office. The key is kept in a sealed envelope with instructions for entry. Two personnel must be present for entry. The reason for entry shall be documented in the associated report. The key shall be submitted as an evidence item in the associated report and left in the evidence locker.

## Records Section

### 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Nevada County Sheriff's Office Records Section. The policy addresses office file access and internal requests for case reports.

### 803.2 POLICY

It is the policy of the Nevada County Sheriff's Office to maintain office records securely, professionally, and efficiently.

### 803.3 RESPONSIBILITIES

#### 803.3.1 RECORDS SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Communication Manager or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section 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:
  - (a) Homicides.
  - (b) Cases involving office members or public officials.
  - (c) Any case where restricted access is prudent.

#### 803.3.2 RECORDS SECTION

The responsibilities of the Records Section 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.

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- (a) Modification of case reports shall only be made when authorized by a supervisor. In addition, records staff may modify certain report fields solely for purpose of clearing NIBRS or CIBRS errors however shall not make changes to the narrative of the report. The member responsible for making the changes shall make a log note in the report indicating what changes were made.
- (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:
  - (a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  - (b) Suspected hate crimes (Penal Code § 13023).
  - (c) Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
  - (d) Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
  - (e) 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).
  - (f) Anti-reproductive rights crime information required by Penal Code § 13777.
  - (g) Domestic violence-related call information required by Penal Code § 13730 (see the Domestic Violence policy).
- (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), as applicable, for the following types of occurrences:
  1. Deputy suicides
  2. Deputy misconduct
  3. Uses of force
  4. Deputy deaths or assaults
  5. Crime incidents
  6. Deaths in custody

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- (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 or surrendered pursuant to a court order or a state law that requires relinquishment or surrender of firearms to law enforcement, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (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.

#### **803.4 FILE ACCESS AND SECURITY**

The security of files in the Records Section 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 Section or electronically, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Sergeant, records supervisor or communications manager.

The Records Section will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

#### **803.5 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from a Records Staff Member. All original case reports removed from the Records Section 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 Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to

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the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

#### **803.6 CONFIDENTIALITY**

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section 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 Section procedure manual.

#### **803.7 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by deputies of the Nevada 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 Records Supervisor. The Records Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Supervisor should forward the petition to the Investigation Unit Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Investigation Unit Supervisor and the Records Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records 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 Records 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.

#### **803.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.
- (c) The California DOJ is notified.

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#### **803.9 CANNABIS ARREST DESTRUCTION REQUIREMENTS**

The Nevada County Sheriff's Office shall implement and maintain a policy specific to marijuana records purging to be in compliance with up to date laws. Records pertaining to arrest or conviction for possession of "less than an ounce" of cannabis may not be kept beyond two years from the date of conviction or two years from the date of arrest if there was no conviction. The destruction of the arrest record shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest or conviction and the record shall be prepared again so that it appears that the arrest or conviction never occurred. When the only entries upon the record pertain to the arrest or conviction the record can be physically destroyed.

\*\*Exception: Reports involving JUVENILES (persons under the age of 18) charged with 11357(d) H&S or 11357(e) H&S prior to November 9, 2016 shall be retained until the offender attains the age of 18 years.

##### 803.9.1 CHARGES INCLUDED

- (a) 11357(a) H&S possession of not more than 28.5 grams of cannabis or 4 grams of concentrated cannabis (after November 9, 2016)
- (b) 11357(b) H&S possession of not more than 28.5 grams of cannabis or 4 grams of concentrated cannabis.
- (c) 11357(c) H&S persons 18 years or older in possession of not more than 28.5 grams of cannabis or 4 grams of concentrated cannabis upon the grounds or within any school K-12 during hours the school is open (prior to November 9, 2016 pertained to possession of more than 1 ounce).
- (d) 11357(d) H&S persons under the age of 18 in possession of not more than 28.5 grams of cannabis or 4 grams of concentrated cannabis upon the grounds of, or within, any school K-12 during hours the school is open (prior to November 9, 2016 records applied to adult).
- (e) 11357(e) H&S persons under the age of 18 in possession of not more than 28.5 grams of cannabis or 4 grams of concentrated cannabis upon the grounds or within any school K-12 during hours the school is open (pertaining to records prior to November 9, 2016 when subsection (e) was removed).
- (f) 11360(b) H&S transporting, gives away, offers to transport or attempts to transport not more than 28.5 grams of cannabis or 4 grams of concentrated cannabis.

##### 803.9.2 PROCEDURE

Any reference to the arrest charges must be removed from the Records Management System. The procedure is as follows:

- (a) Run the RMS report to show cases associated with charges that are eligible to be purged. For all reports dated prior to November 9, 2016, remove 11357(a) from the eligible list.
  - 1. If the report has only one suspect and the only charge listed is the 11357 H&S charge that is eligible to be purged, delete the charge listed from the Arrest tab

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and the subject from the Persons Tab. Make a notation in the Summary portion that the record has been purged per 11361.5 H&S.

2. If there are multiple charges, delete only the 11357 H&S charge that is eligible to be purged.
  3. If there are multiple suspects in the case, purge only the suspects that are related to 11357 H&S charges and no other charge. All other suspect information remains.
- (b) Pull the physical report from the files or print the entire report from RMS (you do not need to pull warrants, only fresh charges).
- (c) Purge or redact the report
1. If the subject was the only suspect in the report and the suspect was deleted from the incident in RMS, destroy the entire report (no other charges). \*\*Note: if there are multiple suspects you will need to redact only the suspect being purged in compliance with this regulation along with any reference to the suspect throughout the report keeping the report for other listed suspects.
  2. If only the charge was removed, you must redact the report and remove all references to the charge throughout the entire report (i.e. face page, narrative, property record, arrest/probable cause sheet, etc).
  3. Stamp the report "Modified or Destroyed as required by Law."
  4. If the report was in SharePoint you will need to have the Records Supervisor delete the report from SharePoint once you have printed the report so that you can scan in the redacted version to now use as the original.

## 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 Nevada 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.

#### 804.2.3 EVIDENCE TECHNICIAN RESPONSIBILITY

The Property and Evidence 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.

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### *Restoration of Firearm Serial Numbers*

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#### 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 and Evidence 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 Nevada 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.).

### 805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
  1. Identifying the minimum length of time the Office must keep records.
  2. Identifying the office division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (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).

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#### **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 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.

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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 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

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- 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/County Attorney], the County Counsel, or the courts pursuant to Penal Code § 1054.5.
  - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
  - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
  - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
  - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
  - (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 7927.200).
  - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (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 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

##### **805.6.1 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).

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#### 805.6.2 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.

#### 805.6.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

#### 805.6.4 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.

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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).

#### **805.7 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a 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.

#### **805.8 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 Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

##### **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 Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Supervisor 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

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Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

#### **805.9 RELEASED RECORDS TO BE MARKED**

When possible, 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.

#### **805.10 SECURITY BREACHES**

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
  - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
  - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
  - 3. Medical information
  - 4. Health insurance information
  - 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

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#### 805.10.1 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 Nevada County Sheriff's Office.
  - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
  - 4. The estimated date or date range within which the security breach occurred.
  - 5. Whether the notification was delayed as a result of a law enforcement investigation.
  - 6. A general description of the security breach.
  - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Nevada 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 Nevada 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.

#### 805.10.2 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.

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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.

## 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 Nevada 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 Nevada 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 Nevada 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 responsibility will usually rest with the Records Supervisor.

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 Nevada 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.

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#### **806.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Nevada 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 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).

#### **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 Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section 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).

##### **806.5.2 TRANSMISSION GUIDELINES**

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other office members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an

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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 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).

#### **806.7 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Office to oversee the security of protected information. Currently the Communications Manager, appointed as the agency Security Point of Contact (SPOC), is responsible for the items listed below.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

##### **806.7.1 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).

#### **806.8 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.

## 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.
  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

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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) 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.
- (c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (d) 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.

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- (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 non-agency issued cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Sheriff's Property Unit as soon as possible for submission into evidence.
- (b) 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 has been booked 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.

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- (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 POLICY

It is the policy of the Nevada County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### 808.3 ANIMAL CONTROL RESPONSIBILITIES AND OBJECTIVES

Authority and guidance in the performance of Animal Control duties are found in the Nevada County General Code, California Food and Agriculture Code, California Health and Safety Code, California Penal Code, California Department of Health Services Publication – Guidelines for the Treatment, Investigation, and Control of Animal Bites, and the Nevada County Public Health Officer's – Rabies Control Policies.

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Evaluates alleged violations of the State and county codes and applicable laws
- (b) Investigates abuse and neglect reports, conducts preliminary investigations, interrogates witnesses, gathers evidence, and takes statements in connection with suspected animal crime activities
- (c) May author and serve warrants
- (d) Prepares detailed reports of all activities
- (e) Investigates animal bites and quarantines animals according to law when necessary
- (f) Captures and quarantines suspected rabid animals, surgically prepares dead animals for Fluorescent Rabies Antibody testing, and otherwise protects the public from rabid or potentially diseased animals
- (g) Rescues injured and trapped animals using humane traps when necessary and transports animals to the shelter
- (h) Utilizes firearms in the field for the protection of the public and to humanely euthanize animals
- (i) Responds to public calls and complaints, addresses licensing requirements, educates the public regarding county codes, and issues warning notices or citations for violations
- (j) Patrols public streets and detains or impounds stray or unlicensed animals
- (k) Monitors, controls, and maintains a list of potentially dangerous/vicious dogs
- (l) May make presentations to interested groups or organizations regarding animal care including the legal statutes governing animal control

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In extreme situations such as wildfires, Animal Control Officers may be subject to call-out with the approval of the Division Lieutenant.

#### 808.3.1 ANIMAL CONTROL CALL CATEGORIES

Calls should be prioritized according to the danger they present to the public and the animal. A general guideline is as follows:

##### Emergency

- (a) Animal that has bitten and running loose
- (b) Suspected rabid animal
- (c) Livestock on major thoroughfares (Sheriff or CHP standing by)
- (d) Dogs killing or injuring livestock (dogs still at location)
- (e) Injured domestic animal (owner unknown)
- (f) Dangerous stray running loose
- (g) Sick domestic animal (owner unknown)

##### Urgent

- (a) Animal bite quarantines
- (b) Stray animal at school
- (c) Assisting other law enforcement agencies (animal related)
- (d) Dogs killed or injured livestock
- (e) Humane investigations

##### Routine

- (a) Complaints – Barking or nuisances by animals
- (b) Domestic animals running loose
- (c) Patrol – Known problem areas, and all areas when possible
- (d) Confined stray domestic animals

#### 808.4 ANIMAL CONTROL PROCEDURES

##### 808.4.1 VIOLATIONS

When an officer observes a violation, the Officer shall take one or more of the following actions:

- (a) Verbal warning
- (b) Written warning
- (c) Citation
- (d) Impounding animals

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#### 808.4.2 ANIMAL CONTROL TRUCKS

The following rules should be observed when transporting animals in the trucks:

- (a) Only one animal or family of animals in each cage
- (b) Animals should be placed in cages adequate to accommodate their size
- (c) The truck should be parked in a safe and shady location whenever possible
- (d) Ventilating fans or air conditioning should be used when appropriate

#### 808.4.3 ANIMAL PROTECTIVE CUSTODY

Animal Control will impound animals for protective custody upon request of law enforcement agencies when a person is arrested and has an animal in his/her possession. The following information should be obtained:

- (a) Name and address of owner of animal/s
- (b) Name and badge number of arresting officer
- (c) Place where arrested person will be confined
- (d) Estimated duration of confinement
- (e) Complete description of animals/s to be impounded
- (f) Any other information that may be helpful in getting animals/s redeemed

Animal Control will notify the owner that his/her animal/s are in protective custody and to redeem animals/ within applicable holding periods. Such notification shall also include all applicable fees that will be incurred.

#### 808.4.4 IMPOUND OF ABANDONED ANIMALS

Animal Control receives many calls of abandoned animals that are in fact being cared for. Therefore, the following procedure is established:

- (a) A 24-hour impoundment notice will be left at the property if the animals can safely and humanely be left. If the Office receives no response by the animal owner, the animals will be impounded at the end of the 24-hour notice. In situations where it is determined the animals cannot be left on the property and all reasonable effort has been used to determine ownership of the animals, the animals may be impounded. (Penal Code 597.1)
- (b) A notice shall be left on the property advising of the impoundment and disposition of the animals if not claimed. The notice shall also provide information on how to contact Animal Control.

#### 808.4.5 STRAY LIVESTOCK

All stray cattle, horse, sheep, goats, pigs, and other livestock creating a traffic hazard or running loose on public property or causing damage to property other than that of the owner of the animal may be:

- (a) Impounded

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- (b) Taken up by a person, pursuant to Food & Ag Codes 17001-17096
- (c) Referred to the California Department of Food and Agriculture Brand Inspector for disposition
- (d) Owners may be billed for cost pursuant to current Fee Resolution

#### 808.4.6 CITATIONS

Citations should be given directly to the offender whenever possible. If the person receiving the citation refuses to sign it, the ACO will advise the dispatcher. The dispatcher will request a Sheriff's deputy at his/her location to enforce the issuance of the citation or arrest. All citations will be turned in to the supervising ACO or his/her designee for review before being delivered to the court. Attach citation reports, with any pertinent information, to the court's original copy of the citation.

#### 808.4.7 REMOTE CHEMICAL IMMOBILIZATION

Remote Chemical Immobilization (RCI) is not to be used as a standard method for capturing animals. It shall be considered a last resort and not used until all other feasible alternatives have been tried and exhausted, except in emergencies.

When remote chemical capture is necessary, it shall be done with care and consideration given for the safety of the animal. The objective shall be to immobilize and capture the animal while causing it the least amount of fear, pain, stress, or physical injury. At no time shall any officer attempt remote chemical capture when the utilization of such equipment might endanger others. Use of RCI equipment requires the same extreme caution that is required with any firearm. RCI equipment may be used to:

- (a) Capture any animal that has bitten any person and the use of such equipment is necessary for the immediate capture in order to quarantine such animal for rabies observation
- (b) Immobilize and capture any animal which has exhibited threatening behavior to humans or other animals
- (c) Sick or injured animals that cannot be captured by other means
- (d) Capture any animal when in the judgment of the Animal Control Officer the capture is required and no other method is immediately available to such officer.

A weapons discharge report shall be submitted to the Patrol Lieutenant within 24 hours after the use of RCI equipment. The report shall include necessary justification for the use of the equipment, whether the use of such equipment was successful or not, was the animal injured or killed as a result of the use of the equipment, and any other pertinent information.

#### 808.4.8 CAPTURE, RESTRAINT, & HANDLING OF WILD AND EXOTIC ANIMALS

All calls regarding wild and exotic animals will be handled on a case by case basis. Many calls will fall within the jurisdiction of another agency, such as the Department of Fish & Wildlife, or the County Trapper.

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Many calls can be resolved by simply obtaining the necessary information and communicating clear steps to follow to repel the problem animals and to encourage these animals to live elsewhere. If there is no food and/or shelter, most animals will go elsewhere.

Animal Control will not routinely trap and relocate or respond to wild animals calls. If possible, all calls regarding wild or exotic animals should be discussed with the Supervising Animal Control Officer prior to taking any course of action. If a situation dictates an immediate response and the Supervising Animal Control Officer is unavailable, a good reference is the NACA Training Guide.

#### 808.4.9 ANIMAL RESTRAINT AND CONTROL

- (a) The degree of restraint used in controlling animals should be in direct proportion to the animal's behavior. Adequate restraint should provide for the safe handling of the animal and protection of the handler through minimal force. Humane restraint is accomplished only when the animal is efficiently controlled without undue stress or damage.
- (b) Animal Control staff is responsible, at all times, for practicing the highest standards of humane animal care and handling.
- (c) Leashes are most commonly used for the control of non-fractionous dogs. When using a noose-type leash, care must be exercised that the lead slips smoothly and cannot become snagged or otherwise obstructed in a manner that would choke the dog. The handle portion of a leash serves as a quick muzzle when other materials are unavailable. Officers are cautioned to never wrap the leash around their wrist, but to firmly grasp the leash with the fingers and palm. Dogs should be lead by the leash.
- (d) The Come-along (Ketch Pole) is used to control fractionous dogs. The pole restricts the aggressive animal from coming dangerously near the handler. As with a leash, care should be taken to ensure the noose portion of the Ketch Pole slides without resistance when released. The feet of an animal being controlled by a Ketch Pole should leave the ground only to be quickly transferred to a confinement cage or truck. Animals should never be allowed to dangle from the Ketch Pole or be lifted more than a few feet by the pole unless they are being rescued from a hole or collected from a height.
- (e) Any nervous or vicious animal should be muzzled before handling, preferably with a gauze-like or flat material. All large-beaked birds should be muzzled with care taken to avoid covering the nostrils. Muzzles should not be made from any material which cannot be readily removed if needed.
- (f) Livestock animals should be haltered whenever possible for best control. Leads attached to the halter should be firmly gripped and not wrapped around the wrist. Lariats should be in good condition.
- (g) In those situations where a feral animal involved in a biting incident cannot be captured by any other means, Animal Control will supply a humane trap. Traps are to be placed only in locations that can be monitored at least once a day so that an animal will not be subjected to undue stress once trapped. Animal Control does have a limited supply of traps that can be loaned out. There is a deposit required. The person obtaining a trap should fully understand the operation of the trap and the responsibility assumed for the care and security of the trap while it is in their possession.

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#### **808.5 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.

#### **808.6 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).

- (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.

#### **808.7 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible. 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.

Nevada County Animal Control is responsible for the quarantine of animals that have bitten someone and of animals of a species subject to rabies, which has contact by a known rabid or suspected rabid animal. Laws requiring quarantines are found in the California Code of Regulations. Laws regarding concealing information or failure to quarantine or produce an animal are found in the California Health & Safety Code. Policies and procedures are found in the

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California Department of Health Services – Guidelines for Investigation of Animals Bites and the Nevada County Health Officer's – Policy for Rabies Control and Isolation of Biting Animals.

Members shall adhere to the following procedure:

- (a) Contact the owner of the biting animal by telephone immediately if possible. Get a good description of the animal and whenever possible get the animal's name and include it in the description of the animal. Fill out the Animal Bite/Investigation Form.
- (b) If the owner is not available and there is an answering machine, leave a message to contact Animal Control.
- (c) If the owner is not available by telephone and there is no answering machine, visit the address where the biting animal resides and if no one is home leave a door notice.
- (d) If there is no record of a dog license and the biting animal is observed running loose, the animal should be impounded.

#### Field Investigations

- (a) Contact victim and obtain a statement
- (b) Verify and check on present health status of biting animal
- (c) Obtain history on bite incident and biting animal
- (d) Arrange for quarantine (confinement) of biting animal
- (e) Obtain photographs of bite whenever possible

#### Quarantine Guidelines

- (a) If the animal is allowed to be quarantined at home, the owner shall sign a home quarantine agreement.
- (b) If the animal is to be impounded for quarantine, it shall be at the Animal Shelter and the owner shall be required to pay all applicable fees. The exception would be if the owner of the animal requests the animal to be quarantined in a private facility.
- (c) Conduct a follow up visit 10 days after the bite. Determine the continuing health status of the biting animal. Release from quarantine if found in good health. If Animal Control cannot visit and determine the health status of the animal, then require the submission of the biting animal by the owner to a veterinarian for physical examination on the 11th day following the bite. (Veterinarian's report is required)

Animal bite reports are to be maintained in an active file until such time the animal is released from quarantine.

#### **808.8 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 appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

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#### **808.9 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

#### **808.10 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.

Pursuant to County regulations, all nuisance complaints shall be in writing.

All nuisance complaints relating to animal noises shall be accompanied by a log showing the time the animal starts and stops making the noise. The complainant shall specify his/her name, address, and telephone number, the nature of the complaint, the name and address of the person causing/allowing the problem. Animal Control staff shall not release the name of any complainant.

Animal Control will not routinely respond to general anonymous nuisance complaints except for animal abuse, neglect, or a vicious animal. If Animal Control has received two anonymous complaints in the last 12 months that have been found to be untrue, then Animal Control will only respond to further complaints on that property upon receipt of a signed written complaint. Other anonymous complaints will be handled on a case by case basis, depending on the type and nature of the complaint.

The procedure for handling complaints are:

- (a) All complaints are to be logged in the complaint log.
- (b) The first complaint shall be handled by the standard form letter, if possible.
- (c) If the complaint is not solved by the standard form letter, and additional complaints are received about the same person and the same violation, an officer or team of officers will be assigned to handle the complaint until resolution.
- (d) The Officer or team of Officers shall conduct an investigation in a timely manner, write the necessary investigation report containing the facts of the investigation, and provide their recommendations.
- (e) The Supervising Animal Control Officer will review the investigation report and determine whether additional investigation is needed.
- (f) If the finding is such that a nuisance condition exists or a violation is or has occurred, the officer will issue an order to conform or direct such investigation report to the District Attorney for action.
- (g) The complainant shall be notified of the results of the investigation and what course of action, if any, Animal Control will be taking, if the complainant requests such.

#### **808.11 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

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Deceased animals on public property should be removed by the contracted vendor or personnel assigned to such duties. Members may move deceased animals to the side of the roadway in the event the dead animal presents a traffic hazard. Dead animals on the State Highways are the responsibility of the California Department of Transportation. Dead animals on any County maintained road, or any public place under the direct control of the County, should be referred to the Regional Dispatch Center. Dead animals on private property or public property not under the direct control of the County, such as the Forest Service or the Nevada Irrigation District, are the responsibilities of the owner of the property. They may be referred to any of the private individuals who provide this service for a fee.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

#### **808.12 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.

##### **808.12.1 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 member will make every effort to handle the call for service as appropriate.

##### **808.12.2 INJURED WILDLIFE**

Injured wildlife should be referred to the Department of Fish and Wildlife as applicable or handled on a case by case basis. Routine injured wildlife such as deer, skunks and raccoons may be dispatched to relieve suffering. The Regional Dispatch Center maintains a list of wild animal rescue organizations which should be contacted prior to dispatching a wild animal.

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#### 808.12.3 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.

#### **808.12 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.

#### **808.14 ANIMAL CONTROL OFFICERS FIREARMS REQUIREMENTS**

##### Firearm Training and Standards

- (a) Section 830.9 and 832 of the California Penal Code, requires Animal Control Officers to receive training as prescribed by the Commission of Peace Officers Standards and Training (POST). This training covers the laws of arrest, search and seizure, and the use of firearms.
- (b) Section 830.9 defines firearms for use by Animal Control Officers as “capture guns, blow guns, carbon dioxide operated rifles, rifles, air guns, hand guns, and shotguns.”
- (c) All Animal Control Officers must have a valid certificate showing they have successfully completed the training required by Penal Code Section 832.
- (d) Animal Control Officers who have been authorized to carry and use firearms within the scope of their duties shall exercise proper care to assure firearms are stored, handled, and used in a safe manner. Firearms will not be carried when off duty.
- (e) Before firing any firearm, the Officer shall consider his/her surroundings, distance the projectile will travel and the possibility of ricochet. Each Animal Control Officer shall maintain his/her firearm in a clean, safe, and operational condition at all times. County issued firearms shall not be altered without prior office approval.
- (f) Animal Control Officers shall attend training and shall demonstrate proficiency at least once each year with each type of firearm that he/she may use.
- (g) A weapons discharge report shall be submitted to the Supervising Animal Control Officer within 24 hours after the discharge of any firearm. The report shall include necessary justification for the use of the firearm, if the animal as captured or killed, how many rounds fired, and any other pertinent information.

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- (h) Any Animal Control Officer that handles or fires a firearm in an unsafe manner or violates the firearms policy may be disqualified from the use of firearms and/or disciplinary action may be taken.

The following situations warrant the shooting of firearms:

- (a) To capture or kill an animal which has bitten someone when other methods are not feasible or have failed
- (b) To kill a suspected rabid animal
- (c) To kill sick or injured wildlife
- (d) To kill sick or injured domestic animals
- (e) To kill any dog pursuing livestock, game animals, protected, rare or endangered animals (Sec. G-IV 1.56)
- (f) To kill injured stray livestock
- (g) To kill any animal that poses an imminent threat to any person or neighborhood when such animal cannot be safely captured. (Sec. G-IV 1.16)
- (h) To prevent serious injury or death to a human when no other option is immediately available

## Dispatch Scheduling

### 810.1 DISPATCH SCHEDULING

- (a) Shift rotations will occur as necessitated by training and staffing levels. Typically, shift rotations occur the first pay period in January, May, and September and can also be done at the discretion of the Communications Manager.
- (b) Days off and shift selection will be determined by office seniority.
- (c) Leave requests will be determined by seniority and/or time of request if seniority is equal.
  - 1. Personnel shall designate one vacation period as their annual vacation. The declaration of an annual vacation does not preclude an employee from taking other time off during the year.
  - 2. The annual vacation is defined as that period of vacation time requested off, whether or not it is supplemented by time from other leave balances, from one day to multiple weeks (typically no more than two weeks), that the employee considers the most important time off period in the fiscal year.
  - 3. Annual vacations will be given priority when scheduling time off. The office will endeavor to honor annual vacation requests over other requests which are not annual vacations.
- (d) Upon completion of each designated shift period, rotation to another shift is optional, except that no dispatcher will work the same shift (days or nights) for longer than two consecutive rotations. Dispatchers shall change to another shift (days or nights) after two consecutive rotations. At times, to assist with the training program and to provide adequate supervision, Senior Dispatchers may be exempt from rotating at the discretion of the Supervising Dispatcher.
- (e) Dispatchers may trade rotational shifts at any time with the approval of the Supervising Dispatcher. Trading will be approved on a case-by-case basis. The Supervising Dispatcher may choose to move a dispatcher to another shift for the experience and exposure.
- (f) Any appeals by a dispatcher regarding his/her scheduling will be heard by the Communications Manager.
- (g) Requests for trades of shifts or days off must be directed to the Supervising Dispatcher two weeks in advance with the exception of an emergency situation.
- (h) As office needs dictate, the adding or deleting of a shift, or the re-assignment of dispatchers may be done after the shift rotation process is completed. No seniority-based rotation will be done due to the new reassignment. Reassigned dispatchers may rotate at the next scheduled rotation as seniority allows. New employees will work in open positions until the next shift rotation.
- (i) Any dispatcher who signs up for voluntary overtime to cover a shift, or to work a special function, will consider that to be an assigned work shift. If the dispatcher cannot work the shift, he/she will contact the supervising dispatcher at least three (3) days prior in

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order to give the supervising dispatcher adequate notice of the absence. Exception to this would be for emergencies or illness.

- (j) Temporary dispatchers are required to work a minimum of 40 hours per month. This is to ensure their skills are maintained at an acceptable level.

## CJIS Access, Maintenance, and Security

### 811.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of office systems that access, process, store, or transmit Criminal Justice Information.

#### 811.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal Justice Information (CJI)** - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

**Security incident** - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within office systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

### 811.2 POLICY

It is the policy of the Nevada County Sheriff's Office to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

### 811.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Nevada County Sheriff's Office's adherence to FBI CJIS Security Policy requirements. This responsibility will generally rely upon the Administrative Lieutenant overseeing the Records Unit and the Nevada County Regional Dispatch Center.

#### 811.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain office compliance with FBI CJIS Security Policy requirements and the California Justice Information Services.
- (b) Ensuring member accounts with access to CJI are handled appropriately, including:
  1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
  2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
  3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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- (c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or office requirements, including:
  - 1. Coordinating with Information Systems to ensure the systems are maintained appropriately.
  - 2. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
- (d) Working with Information Systems to monitor office systems that have access to CJI are compliant with applicable laws and this policy.
- (e) Providing for the security of hardware that includes provisions for the following:
  - 1. How hardware is to be brought into and taken out of office facilities
  - 2. Physical security of hardware within office facilities
  - 3. Physical security of areas containing network connections and transmission lines, including monitored access
- (f) Working with County Information Systems personnel and Risk Management to implement and carry out the Nevada County Cyber Incident Response Plan.
- (g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (h) Working with Information Systems to ensure staff have access to information security and privacy literacy training and incident response training as required by policy.
  - 1. Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

#### **811.4 MEMBER RESPONSIBILITIES**

All members of the Office shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions as soon as practicable.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

#### **811.5 SUPERVISOR RESPONSIBILITIES**

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

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#### **811.6 MEMBER ACCOUNTS**

Office accounts used to access CJI shall only be created upon approval of the Sheriff or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

- (a) The account has expired.
- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account as soon as practicable.

##### **811.6.1 ACCESS AUTHORIZATION**

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- (a) Members shall only be granted access authorizations that are necessary to accomplish assigned office tasks.
- (b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- (c) Non-privileged members shall not be allowed to execute privileged functions.

##### **811.6.2 ACCOUNT REVIEW ACTIVITIES**

At least annually, the CJIS coordinator or designee shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator or designee shall validate account privileges and remove or reassign them as necessary to accurately reflect the office mission and law enforcement needs.

#### **811.7 MEDIA PROTECTION**

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on office systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

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#### 811.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten or destroyed according to Nevada County Information Systems procedures.

#### **811.8 SYSTEM AND INFORMATION INTEGRITY**

The integrity of office CJI systems shall be protected through the implementation of appropriate controls in accordance with Nevada County Information Systems policy.

#### **811.9 SECURITY AWARENESS TRAINING**

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The office's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

#### **811.10 SANCTIONS**

Failure to adhere to policies and procedures pertaining to CJI may result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

## **Chapter 9 - Custody**

## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Nevada County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

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

**Temporary custody** - The time period an adult is in custody at the Nevada County Sheriff's Office prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The Nevada County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

#### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Nevada County Sheriff's Office, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.

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- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
  - 1. If the deputy taking custody of an individual believes that the individual may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

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At least one female office member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

#### **900.3.3 STAFFING PLAN**

The Sheriff or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the County, as required by 15 CCR 1027.

#### **900.3.4 ENTRY RESTRICTIONS**

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

#### **900.4 INITIATING TEMPORARY CUSTODY**

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the County jail or the appropriate mental health facility.

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The deputy should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

#### 900.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Shift Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
  - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  - 4. Ensure males and females are separated by sight and sound when in cells.
  - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

#### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office members assigned to process a foreign national shall:

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- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
    - (c) Forward any communication from the individual to the individual's consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to the individual's consular officers without delay.

## **900.5 SAFETY, HEALTH AND OTHER PROVISIONS**

### **900.5.1 TEMPORARY CUSTODY LOGS**

Any time an individual is in temporary custody at the Nevada County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Office.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Nevada County Sheriff's Office.

The Shift Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

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The Shift Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

#### 900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

#### 900.5.1 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to office members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Nevada County Sheriff's Office. They should be released or transferred to another facility as appropriate.

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#### 900.5.5 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

#### 900.5.5 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### 900.5.7 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
  1. The Office should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
  2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

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- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
  - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

#### 900.5.2 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### 900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

#### 900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the

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appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

#### 900.5.10 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Shift Sergeant will retain a record of these reports for inspection purposes (15 CCR 1044).

#### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Nevada County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

#### 900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Office shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Shift Sergeant shall attempt to prove or disprove the claim.

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#### **900.8 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to office members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by office members shall occur no less than every 15 minutes (15 CCR 1027.5).
  1. Safety checks should be at varying times.
  2. All safety checks shall be logged.
  3. The safety check should involve questioning the individual as to the individual's well-being.
  4. Individuals who are sleeping or apparently sleeping should be awakened.
  5. Requests or concerns of the individual should be logged.

#### **900.8.1 USE OF SOBERING CELL**

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

- (a) Placement of an individual into the cell requires approval of the Shift Sergeant.
- (b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
- (d) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.

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- (e) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

#### **900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Nevada County Sheriff's Office. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Sergeant, Sheriff, and Investigations Division Commander
- (c) Notification of the spouse, next of kin, or other appropriate person
  1. In-custody death notification shall be made within 24 hours as provided by Penal Code § 4032.5.
- (d) Notification of the appropriate prosecutor
- (e) Notification of the County Counsel
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death review reports in compliance with 15 CCR 1046
  1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.
- (i) Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)
  1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).
  2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

#### **900.9.1 IN-CUSTODY DEATH PUBLICATION**

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

#### **900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.

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- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Nevada County Sheriff's Office unless escorted by a member of the Office.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
- (h) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

#### 900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Office shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

#### **900.1 ASSIGNED ADMINISTRATOR**

The Operations Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment

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### *Temporary Custody of Adults*

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- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

#### **900.12 TRAINING**

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

Office members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

## Custodial Searches

### 901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Nevada County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

### 901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 901.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

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### *Custodial Searches*

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A deputy should also conduct a search of the interior compartment of the Sheriff's Office vehicle where the individual will be transported before and after the transport.

#### **901.4 SEARCHES AT SHERIFF'S FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Nevada County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **901.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

Jail staff will maintain and inventory property which will remain at the jail to be given to the individual upon release. All property booked into the Sheriff's Property Unit shall be inventoried by objective description (this does not include an estimated value) and entered into RMS according to the Property Policy.

##### **901.4.2 VERIFICATION OF MONEY**

All money being booked into the Sheriff's Property Unit shall be handled according to the Property Policy.

#### **901.5 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS**

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual when possible, unless the individual requests otherwise.

#### **901.6 JUVENILES**

No juvenile should be subjected to a strip search or a physical body cavity search at the Office. Juvenile strip searches shall be conducted in the same manner as adults with the addition of the following:

- (a) A juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, will be transported to a medical facility.

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1. A juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

#### **901.7 STRIP SEARCHES**

No individual in temporary custody at any Nevada County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### **901.7.1 STRIP SEARCH PROCEDURES**

Strip searches at Nevada County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

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- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  1. The facts that led to the decision to perform a strip search.
  2. The reasons less intrusive methods of searching were not used or were insufficient.
  3. The written authorization for the search, obtained from the Shift Sergeant.
  4. The name of the individual who was searched.
  5. The name and sex of the members who conducted the search.
  6. The name, sex, and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Shift Sergeant shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

#### 901.7.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there

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is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

#### **901.8 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Sergeant's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any office members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

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### *Custodial Searches*

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#### **901.9 TRAINING**

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## Transporting Persons in Custody

### 903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Nevada County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

### 903.2 POLICY

It is the policy of the Nevada County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

### 903.3 DEPUTY RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Deputies transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another deputy, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
  1. Whenever practicable, a search should be conducted by a deputy of the same gender as the person being searched. If a deputy of the same gender is not reasonably available, a witnessing deputy should be present during the search.
- (c) Provide Regional Dispatch Center with any required notifications (e.g., start time, mileage, end time).
- (d) Properly secure all property.
- (e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Camera policies for additional guidance).
- (f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.
- (h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
  1. Individuals in auxiliary restraints.
  2. Individuals in leg restraints.

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### *Transporting Persons in Custody*

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3. Individuals wearing a spit hood.
  4. Individuals who are a suspected suicide risk.
- (i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
  - (j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance)

#### **903.4 TRANSPORT RESTRICTIONS**

When transporting multiple persons:

- (a) Persons in custody should be transported individually when practicable.
  1. Juveniles and adults shall not be transported together.
  2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
  3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting deputies should be alert to inappropriate physical or verbal contact and take appropriate action.

#### **903.5 TRANSPORT VANS**

A deputy may utilize transport vans assigned to Corrections if necessary. If possible, Correctional Staff trained in utilization of transport vans should assist..

A deputy should assist persons getting into and out of the transport van to avoid falls.

#### **903.6 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY**

When transporting a person in custody who has a disability, a transporting deputy should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting deputy should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the deputy.

Deputies transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

#### **903.7 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY**

Except in exceptional cases where alternatives are not reasonably available, deputies should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Deputies shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

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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 Shift Sergeant. Deputies should search any person who is in custody before releasing that person to EMS for transport.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

#### **903.8 TRANSPORTING PREGNANT PERSONS IN CUSTODY**

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, 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 themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by deputies. EMS personnel should be called to handle transportation.

#### **903.9 MENTAL ILLNESS COMMITMENT TRANSPORTS**

When transporting any individual for a mental illness commitment, the transporting deputy should request that Regional Dispatch 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.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of a deputy during the transport, Shift Sergeant approval is required before transport commences.

See the Mental Illness Commitments Policy for additional guidance.

#### **903.10 INTERRUPTION OF TRANSPORT**

Absent extraordinary circumstances, deputies should not interrupt a transport to provide emergency assistance without supervisory approval. Deputies encountering an emergency should notify Regional Dispatch Center and request an appropriate response.

#### **903.11 EXTENDED TRANSPORTS**

During transports for extended durations, transporting deputies may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

#### **903.12 PROHIBITIONS**

When transporting a person in custody, deputies should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

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### *Transporting Persons in Custody*

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- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than office personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

#### **903.13 ESCAPES**

In the event that a person in custody escapes while being transported, the transporting deputy should immediately advise Regional Dispatch Center and other units of the escape, provide a description of the escapee, notify the Shift Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Sergeant should notify their chain of command upon learning of an escape.

If the escape occurs outside the jurisdiction of the Nevada County Sheriff's Office, the Shift Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

#### **903.14 DOCUMENTATION**

If a person is injured during transportation, deputies should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

#### **903.15 NOTIFICATIONS**

Deputies should notify a supervisor and any receiving facility of information regarding any circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

#### **903.16 TRAINING**

The Training Manager should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

## **Chapter 10 - Personnel**

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Nevada County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Nevada County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The 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.

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### *Recruitment and Selection*

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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.

#### **1000.4 SELECTION PROCESS**

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
  - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
  - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
  - (j) Review board or selection committee assessment
  - (k) Relevant national and state decertification records, if available
  - (l) Any relevant information in the National Law Enforcement Accountability Database

#### 1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Nevada County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

#### 1000.5.1 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 Nevada County Sheriff's Office (11 CCR 1953(f)).

#### 1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

#### 1000.5.3 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

#### 1000.5.4 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,

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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).

#### 1000.5.5 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 office shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The office 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 Professional Standards Unit should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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### *Recruitment and Selection*

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#### 1000.5.6 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.

#### 1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

#### 1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### 1000.6.1 MANDATORY DISQUALIFICATION

No members or contractors shall be hired who have (28 CFR 115.17):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 USC § 1997).

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- (b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent, or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Office shall ask all candidates who may have contact with inmates to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

The Office shall make reasonable efforts to contact prior institutions that the candidate has been employed by to inquire about sexual abuse allegations in accordance with 28 CFR 115.17.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California 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.

##### **1000.7.1 STANDARDS FOR CORRECTIONAL OFFICERS**

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (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, that might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

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- (h) 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)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

#### 1000.7.2 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check (Government Code § 1030; Penal Code § 11105.2; Penal Code § 11105.05)
- (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.

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In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

#### **1000.7.3 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

#### **1000.8 PROBATIONARY PERIODS**

The Professional Standards Unit should coordinate with the Nevada County 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.
- (d) Documenting successful or unsuccessful completion of probation.

## Evaluation of Employees

### 1001.1 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.

### 1001.2 POLICY

The Nevada County Sheriff's Office utilizes a performance evaluation 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 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.

### 1001.3 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.

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#### 1001.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

#### **1001.4 FULL TIME PROBATIONARY PERSONNEL**

Non-sworn personnel are on probation for 12 months before being eligible for certification as regular employees. Non-sworn personnel are evaluated after 90 days, 180 days and prior to the end of the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as regular employees. Probationary deputies are evaluated after 180 days and prior to the end of the probationary period.

#### **1001.5 FULL-TIME REGULAR STATUS PERSONNEL**

After an employee has completed probation, an Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's salary anniversary date.

An evaluation may 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.

##### 1001.5.1 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:

**5 - Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**4 - 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.

**3 - Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**2 - Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**1 - Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided in each rated category and 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.

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#### **1001.6 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. 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 electronically at separate times when prompted by the evaluation system. Regular and probationary employees may also write comments in the Employee Comments section of the performance evaluation report.

##### **1001.6.1 DISCRIMINATORY HARASSMENT FORM**

At the time of each employee's annual evaluation, the employee shall complete the County and Office harassment and discrimination training. Following such training, the employee shall provide the certificates of completion to the supervisor to be electronically attached to the evaluation.

#### **1001.7 EVALUATION REVIEW**

After the supervisor completes the evaluation, the evaluation is forwarded through the chain of command to Human Resources. Each level of command shall review the evaluation for fairness, impartiality, uniformity, and consistency. The supervisor will then schedule a discussion with the employee to discuss the review. The evaluation will then be signed by the employee and any necessary rebuttal or comments will be attached.

#### **1001.8 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.

## Special Assignments and Promotions

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Nevada County Sheriff's Office.

### 1002.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Nevada County Department of Human Resources.

### 1002.3 POLICY

The Nevada 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.

### 1002.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Special Enforcement Detail member
- (b) Detective
- (c) Civil Deputy
- (d) Mobile Crisis Response Team
- (e) Canine handler
- (f) Dive Team
- (g) Field Training Officer
- (h) School Resource Officer
- (i) Court Security
- (j) Critical Incident Negotiation Team
- (k) Search and Rescue Sergeant
- (l) Community Outreach Sergeant
- (m) Investigations Sergeant
- (n) Professional Standards Unit Sergeant

#### 1002.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Relevant experience based upon the desired assignment
- (b) Off probation (Consideration may be given for lateral employees)
- (c) Possession of or ability to obtain any certification required by POST or law

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- (d) Exceptional skills, experience, or abilities related to the special assignment

#### 1002.4.2 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

#### 1002.4.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Sheriff to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate may submit a recommendation.
  1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- (b) Division Commander interview - The Division Commander will schedule interviews with each candidate.
  1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Sheriff.
- (c) Assignment 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.

#### 1002.4.4 ROTATION DURATION

Personnel assigned to a specialty position shall be limited to the following duration of service:

- Major Crimes Unit Detective: 1 Year minimum; 6 year maximum
- Special Investigations Unit Detective: 1 Year minimum; 4 year maximum

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- Investigations Unit Sergeant: 1 Year minimum; 6 year maximum
- Field Training Officer: 1 Year minimum; 3 year maximum
- Special Enforcement Detail: 1 Year minimum; 4 year maximum; After four years members must re-test and re-apply
- Dive Team: 1 Year minimum; 4 year maximum; After four years members must re-test and re-apply
- Professional Standards Unit Sergeants: 1 Year minimum; 6 year maximum
- Coroner Sergeant: 1 year minimum; 4 year maximum
- Community Outreach Sergeant: 1 Year minimum; 4 year maximum
- Court Holding Deputies: 1 Year minimum; 4 year maximum
- Court Holding Sergeant: 1 Year minimum; 4 year maximum
- Search and Rescue Sergeant : 1 Year minimum; 4 year maximum
- School Resource Officer: 1 Year minimum; 4 year maximum
- Civil Deputy: 1 Year minimum; 4 year maximum
- Canine Handler: 1 year minimum; life of dog
- Mobile Crisis Team: 1 Year minimum; 6 year maximum
- Critical Incident Negotiation Team: No minimum or need to re-apply
- Honor Guard: No minimum or need to re-apply

## Anti-Retaliation

### 1004.1 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.

This policy is in addition to the Nevada County Personnel Code and any pertinent Memoranda of Understanding between the County of Nevada and the bargaining units.

### 1004.2 POLICY

The Nevada 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.

### 1004.3 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.

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- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

#### 1004.3.1 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)).

#### 1004.4 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 Human Resources 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.

#### 1004.5 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.

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- (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.
- (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.

#### **1004.6 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.

#### **1004.7 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

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Undersheriff via the chain of command for investigation pursuant to the Personnel Complaints Policy.

#### 1004.7.1 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).

#### **1004.8 RECORDS RETENTION AND RELEASE**

The Professional Standards Unit shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1004.9 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

## 1005.1 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 Nevada 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.

## 1005.2 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.

## 1005.3 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.

## 1005.4 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 Shift Sergeant 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.

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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 Shift Sergeant 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).

#### 1005.4.1 NOTIFICATION REQUIREMENTS

The Professional Standards Unit 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).

#### **1005.5 POLICY**

The Nevada 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

### 1006.1 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).

This policy is in addition to the Nevada County Personnel Code and any pertinent Memoranda of Understanding between the County of Nevada and the bargaining units.

### 1006.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant 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).

#### 1006.3.1 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.

#### 1006.3.2 USE OF MARIJUANA

Possession of marijuana, marijuana products, including medical marijuana, or being under the influence of marijuana on duty is prohibited and may lead to disciplinary action.

This applies to both marijuana and medical cannabis.

### 1006.4 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

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possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1006.5 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.

#### **1006.6 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.

#### **1006.7 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) that results in injury or death to another person.

##### **1006.7.1 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.

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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.

#### **1006.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 24 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

#### **1006.8 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 personnel 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).

#### **1006.9 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

### 1007.1 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).

This policy is in addition to the Nevada County Personnel Code and any pertinent Memoranda of Understanding between the County of Nevada and the bargaining units.

### 1007.2 POLICY

It is the policy of the Nevada County Sheriff's Office to provide eligible employees with a sick leave benefit.

### 1007.3 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.

#### 1007.3.1 NOTIFICATION

All members should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than four hours 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.

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#### **1007.4 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 to work. Members on an extended absence shall, if possible, contact the Professional Standards Unit at specified intervals to provide an update on their absence and expected date of return. The Professional Standards Unit shall notify the member's supervisor of the 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.

#### **1007.5 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.

#### **1007.6 REQUIRED NOTICES**

The County shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

### 1008.1.1 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 Nevada County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1008.2 POLICY

The Nevada 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.

## 1008.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). This responsibility generally will reside with the Professional Standards Unit. 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). This will be documented in the Corrections Communicable Diseases Policy.
- (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).

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2. Bloodborne pathogen mandates including (8 CCR 5193):
    - (a) Sharps injury log.
    - (b) Needleless systems and sharps injury protection.
  3. Airborne transmissible disease mandates including (8 CCR 5199):
    - (a) Engineering and work practice controls related to airborne transmissible diseases.
    - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
  4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
  5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
  6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other office members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Office website (Health and Safety Code § 1797.188).
- (g)

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

#### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1008.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

#### **1008.5 POST EXPOSURE**

##### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

##### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

#### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1008.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

#### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### 1009.1 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 Nevada 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.

### 1009.2 POLICY

The Nevada 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 Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

### 1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Nevada 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.

### 1009.4 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 office facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Nevada 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.

### 1010.2 POLICY

The Nevada 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 laws, 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.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or federal, state or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted or the complaining party wishes to file a formal complaint. Such complaints shall be date and time stamped, placed in a sealed envelope, and immediately forwarded to the Undersheriff.

#### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

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- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

#### **1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be made available upon request and be accessible through the office website.

See attachment: [NCSO Personnel Complaint Form.pdf](#)

##### 1010.4.2 ACCEPTANCE

All formal complaints will be courteously accepted and date stamped by any office member and promptly delivered to the Undersheriff. 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).

##### 1010.4.3 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).

##### 1010.4.4 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 member 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).

#### **1010.5 DOCUMENTATION**

Members shall ensure that all formal complaints are documented on a complaint form. The member shall ensure that the nature of the complaint is defined as clearly as possible.

All formal complaints and inquiries shall be delivered to the Undersheriff to be documented in a log that records and tracks complaints. The log shall include the nature of the complaint, date received, date completed, and findings.

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Interviews of formal complaints shall be recorded with the complainant's knowledge since these investigations are administrative in nature. If a complainant declines to be recorded a brief written statement is recommended.

#### **1010.6 INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **1010.6.1 SUPERVISOR RESPONSIBILITIES FOR COMPLAINTS**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Undersheriff may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed or a memo is generated.
  - 1. The original complaint form or memo will be directed to the Undersheriff. The Undersheriff shall take appropriate action and/or determine who will have responsibility for the investigation. When a formal misconduct complaint is determined to have some degree of credibility and factual basis by the Undersheriff, the investigation may be assigned to a supervisor for investigation. During this period, the investigating supervisor will report directly to the Undersheriff or their designee.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Undersheriff, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving informal personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made as soon as possible after receiving notice of the informal complaint.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant or Officer in Charge and the Undersheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Undersheriff for direction regarding their role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination. The Undersheriff will notify the Department of Human Resources.
- (f) Forwarding unresolved personnel complaints to the Undersheriff, who will determine whether to contact the complainant or assign the complaint for investigation.

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- (g) The supervisor investigating the complaint shall inform the complainant of their name within three days after assignment.
- (h) Investigating a complaint as follows:
  1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 DISPOSITIONS OF PERSONNEL COMPLAINTS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded as Frivolous** - The complaint is totally and completely without merit or was made for the sole purpose of harassment pursuant to the provisions of Penal Code §832.5(c).

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve office members. (Penal Code § 832.8).

**Exonerated** - When the investigation clearly established that the actions of the member that formed the basis of the complaint are not a violation of law or agency policy. (Penal Code § 832.5)

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a member were found to violate law or office policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1010.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES

The Undersheriff shall decide whether an incident warrants an Administrative investigation. The Undersheriff shall assign the investigation an Internal Affairs case number and assign the case to an investigator.

Administrative investigators shall prioritize their tasks in order to conduct a thorough and timely investigation.

When the administrative investigator is prepared to interview the involved office member, an interview notice shall be completed and sent to the member.

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Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Nevada 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 investigator 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 who is the subject of the investigation 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.

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- (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).

All administrative interviews shall utilize the following introductory format:

- (a) The investigator shall state the date, time, and location of the interview. Note that the interview is openly being recorded;
- (b) State who is conducting the interview and his or her current assignment;
- (c) Names of persons present during the interview;
- (d) State the purpose of the interview;
- (e) State the nature of the investigation;
- (f) Advise that the employee is required to answer all questions truthfully, honestly, and completely.

No investigation shall be undertaken against any member solely because the member has been placed on a prosecutor's *Brady* list or the name of the member 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 member has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

Nothing in this policy precludes the Sheriff or Undersheriff from referring the investigation to an outside entity.

#### 1010.6.4 ADMINISTRATIVE INVESTIGATION FORMAT

Administrative investigations shall be thorough, complete and essentially follow this format:

**Background** - Provide a brief summary of the facts giving rise to the investigation to include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Investigation** - Outline steps taken during the investigation, summary of interviews, and evidence collected.

**Applicable Laws and Policies** - List the applicable policy sections, laws, personnel code sections, and labor memorandum of understanding sections.

**Analysis** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

Once the investigation is complete, the entire report and all associated items will be returned to the Undersheriff. The Undersheriff will then refer the investigation to the appropriate Division Lieutenant for findings.

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#### 1010.6.5 DISPOSITIONS OF ADMINISTRATIVE INVESTIGATIONS

Each administrative investigation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation clearly established that the actions of the member that formed the basis of the complaint are not a violation of law or agency policy. (Penal Code § 832.5)

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or office policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1010.6.6 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.

#### 1010.6.7 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.

#### 1010.6.8 LIMITATIONS ON INVESTIGATIONS

Investigations shall not be undertaken against any deputy in the following limited circumstances:

- (a) 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* (Government Code § 3305.5).
  1. An investigation may be initiated 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*.
- (b) A court finding against a deputy in a challenge brought under Penal Code § 745 (California Racial Justice Act of 2020) (Government Code § 3305.6).

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1. An investigation may be Initiated based on the underlying acts or omissions which formed the basis of the action brought pursuant to Penal Code § 745 (Government Code § 3305.6).

#### **1010.7 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 documents 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).

##### **1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

#### **1010.8 ADMINISTRATIVE LEAVE/ASSIGNMENT**

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 or an administrative assignment. Any employee placed on administrative leave or assignment:

- (a) May be required to relinquish any office badge, identification, assigned weapons, and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift or assignment during the investigation. The employee may be required to remain available for contact at all times during such shift or assignment, and will report as ordered.

#### **1010.9 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.

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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 the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Nevada County Sheriff's Office may release information concerning the arrest or detention of any member that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Undersheriff.

##### **1010.10.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the Division Lieutenant's findings, the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff or the Sheriff's designee, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff or the Sheriff's designee, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

##### **1010.10.2 UNDERSHERIFF AND SHERIFF RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Undersheriff shall review the recommendation and all accompanying materials. The Undersheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action. In the event disciplinary action is proposed, the Division Commandershall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) date by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)).

Once the Undersheriff is satisfied that no further investigation or action is required by staff, the Skelly hearing will be heard by the Undersheriff. The Undersheriff shall also provide the member with:

- (a) Access to all of the materials considered by the Undersheriff in recommending the proposed discipline.

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- (b) An opportunity to respond orally or in writing to the Undersheriff within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Undersheriff may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation may be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed a response or if the member has elected to waive any such response, the Undersheriff shall consider all information received in regard to the recommended discipline. The Undersheriff shall submit a memo to the Sheriff with recommendations for discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff or the designee has issued a written decision, the discipline shall become effective.

#### 1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Undersheriff shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded, unfounded as frivolous) of the complaint (Penal Code § 832.7(f)).

#### 1010.10.4 NOTICE REQUIREMENTS

The disposition of any personnel complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

#### 1010.11 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).

#### 1010.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a member 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).

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Additionally, any evidence of a court finding that a deputy violated Penal Code § 745 (California Racial Justice Act of 2020) shall not be introduced for any purpose in any administration appeal of a punitive action (Government Code § 3305.6).

#### **1010.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary 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.

#### **1010.14 REQUIRED REPORTING TO POST FOR POST MEMBERS**

The Sheriff or the authorized designee shall notify the Commission on Peace Officer Standards and Training (POST), on the appropriate POST form within 10 days of certain member 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 member'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 member or the Nevada County Sheriff's Office based on allegations of conduct by a member.

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 time frame provided in Penal Code § 13510.9.

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#### 1010.14.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a member 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 member
- (e) A summary of the alleged misconduct including:
  - 1. A narrative of the allegations
  - 2. Date and time of incidents
  - 3. Location of occurrence
  - 4. Any witness information, if available
  - 5. Summary of arrest or indictment of involved member
- (f) A change in employment status of the involved member (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 member's service record as provided by 11 CCR 1207.

#### 1010.14.2 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 member.
  - 2. The status of the criminal case, if known.

## Seat Belts

### 1011.1 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.

#### 1011.1.1 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.

### 1011.2 POLICY

It is the policy of the Nevada 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.

### 1011.3 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.

### 1011.4 TRANSPORTING CHILDREN

Children shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

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#### **1011.5 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.

#### **1011.6 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.

#### **1011.7 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

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1012.2 POLICY

It is the policy of the Nevada 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.

### 1012.3 ISSUANCE OF BODY ARMOR

The Professional Standards Unit supervisor shall ensure that body armor is issued to all deputies and animal control officers when the member begins service at the Nevada County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Professional Standards Unit 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.

#### 1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Members shall only wear agency-approved body armor.
- (b) Members shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members 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 member is working in uniform assigned to patrol. Body armor shall be worn when taking part in Office range training.
- (e) Members 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.

#### 1012.3.2 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.

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#### 1012.3.3 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.

#### **1012.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office 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 members about the safety benefits of wearing body armor.

## Personnel Records

### 1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to office records. Office records include any file maintained under an individual member's name.

### 1013.2 PERSONNEL RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Personnel Records File** - That file which is maintained in the Office of the Sheriff as a permanent record of an employee's service with this Office.

**Supervisor File** - Any file that is separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations.

**Supervisor Log Entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this Office.

**Training File** - Any file that documents the training records of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to an investigation into such allegations, regardless of disposition to include citizen complaints.

**Medical File** - A file that contains only medical information relating to an employee's ability to perform the essential functions of his/her job or other health-related matters. This file is maintained separately from any other files.

### 1013.3 PERSONNEL RECORDS FILE

The Personnel Records File shall be maintained as a record of a person's employment/appointment with this office. The Personnel Records 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).

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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 Personnel Records File after the member has had the opportunity to read and initial the comment (Government Code § 3305).
- (a) 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).
  - (b) Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
  - (c) 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 should be retained in the employee's personnel records file, with a copy provided to the employee.
- (h) Commendations and awards.
- (i) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **1013.4 SUPERVISOR FILE**

The Supervisor's File should contain, but is not limited to:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.
  1. All adverse materials intended for this interim file shall be provided to the employee prior to being placed in the file.
  2. Duplicate copies of items that will also be included in the employee's office file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  3. Once the permanent performance evaluation form has been finalized, or after one year, the underlying foundation material and/or duplicate copies shall be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the Supervisor's File.

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.

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#### **1013.5 TRAINING FILE**

An individual training file shall be maintained by the Professional Standards Unit for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file located in the Professional Standards Unit.

#### **1013.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the Undersheriff. Access to these files may only be approved by the Sheriff, Undersheriff or their designee.

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).

#### **1013.7 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.

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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.

#### **1013.8 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.

##### **1013.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Undersheriff or the designee of such a request.

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, as the disclosure of personnel, medical and similar files can constitute an unwarranted invasion of personal privacy or be subject to other protections.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **1013.8.2 SUBPOENAS**

Personnel files may be subpoenaed by a third party. If employment records are subpoenaed under state authority, the employee may be notified and has the right to object to production of the records under certain circumstances.

Any subpoena duces tecum should be promptly provided to the Undersheriff or the designee for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena or subpoena duces tecum should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

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#### 1013.8.3 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).

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)).

#### 1013.8.4 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a deputy or correctional officer 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).

#### 1013.8.5 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to a deputy or correctional officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy or correctional officer 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.

#### **1013.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES AND CORRECTIONAL OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of deputies and correctional officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.

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- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy or correctional officer in connection with an incident, whether the member's action was consistent with law and office policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by a deputy or correctional officer.
  2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a deputy or correctional officer.
  3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
  4. A sustained finding that a deputy or correctional officer failed to intervene against another deputy or correctional officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Office or oversight agency regarding:
  1. A deputy or correctional officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
  2. Dishonesty of a deputy or correctional officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy or correctional officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
  3. A deputy engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

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4. A deputy made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the deputy resigns before the Office or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple deputies or correctional officers, the Office shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy or correctional officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the deputy or correctional officer during an incident or the statements of a deputy or correctional officer shall be released if the statements are relevant to a finding of the qualified allegation against another deputy or correctional officer that is subject to release (Penal Code § 832.7(b)(5)).

#### 1013.9.1 REDACTION

Members responsible for redaction, in consultation with the Undersheriff and legal counsel, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of members.
- (b) Information that would compromise the anonymity of complainants and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the member or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

#### 1013.9.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
  1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

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2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.
  - (b) Filed criminal charges
    1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
  - (c) Administrative investigations
    1. Disclosure may be delayed until:
      - (a) There is a determination from the investigation whether the misconduct or use of force violated law or office policy, but no longer than 180 days after the date of the office's discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 1013.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
  1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
    - (a) When the criminal proceeding is against someone other than a deputy or correctional officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Office must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by deputies or correctional officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Office may justify delay by filing an application to seal the basis for withholding if

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disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

#### **1013.10 MEMBER ACCESS TO THE MEMBER'S OWN PERSONNEL RECORDS**

Any member may request access to a 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 Professional Standards Unit. 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.
- (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.

#### **1013.11 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 relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine

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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

### 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing service ribbons and commendable or meritorious acts of members of the Nevada County Sheriff's Office and individuals from the community.

### 1015.2 POLICY

It is the policy of the Nevada 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 service ribbons, commendations, and awards.

### 1015.3 AWARDS AND COMMENDATIONS

Awards and commendations may be bestowed upon members of the Office and individuals from the community. These awards include:

- Medal of Valor (Gold Medal) and Red White and Blue Chest Ribbon
- Silver Star (Silver Medal) and Red White and Blue Chest Ribbon
- Bronze Star and Red White and Blue Chest Ribbon
- Lifesaving Medal and Red White and Blue Chest Ribbon
- Purple Heart Medal and Purple Chest Ribbon
- Meritorious Service Medal and Red White and Blue Chest Ribbon
- Sheriff's Commendation Green and Gold Chest Ribbon
- Sheriff's Unit Citation
- Divisional Letter of Recognition
- Sheriff's Community Member Challenge Coin

Criteria for each award and the selection, presentation and display of any award are determined by the Sheriff.

### 1015.4 AWARDS AND COMMENDATIONS CRITERIA

Medal of Valor (Gold Medal) and Red White and Blue Chest Ribbon (Blackinton RC-3 Ribbon/Blackinton A8365 in VHB KK w/California "gold" Seal and Medal of Valor upper rocker)

- The Medal of Valor is reserved for those rare occasions for exceptional courage and bravery in the line of duty. This special recognition shall be given by the Sheriff in those situations where it is clear that the member knowing the danger faced is life-threatening for themselves and others, and when there is a real and genuine threat, is put into a dangerous situation voluntarily for the purpose of saving a life or apprehending a dangerous person. In addition, the act must exhibit enough bravery and courage that failure to take such action would not justify censure.

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Silver Star (Silver Medal) and Red White and Blue Chest Ribbon(Blackinton RC-27 Ribbon/Blackinton A8365 in Rhodium)

- The Silver Star is for outstanding performance and conspicuous courage and bravery in the line of duty. This recognition is reserved for those members who face a genuine or perceived life-threatening situation to themselves or others, and they place themselves into this dangerous situation voluntarily for the purpose of attempting to save a life or attempting to apprehend a dangerous person.

Bronze Star (Bronze Medal) and Red White and BlueChest Ribbon (Blackinton RC-28 Ribbon/Blackinton A8365 in Bronze)

- The Bronze Star award is to recognize a member who has shown courage and bravery in the face of a real or perceived threat or violence in which great harm may have occurred to the member or others. These instances are above and beyond those faced in the normal line of duty situations.

Lifesaving Medal and ribbon (Blackinton RC-2 Ribbon/Entenmann Rovin lifesaving medal)

- The Lifesaving Medal shall be given by the Sheriff and reserved for those situations in which there is a documented case of a life or lives being saved by a member of the Nevada County Sheriff's Office. The situation should include an element of danger or circumstance outside the normal course of duty.

Purple Heart Medal (Blackinton RC-45 Ribbon/Blackinton A2619 w/California "gold" Seal)

- The Purple Heart Medal and Ribbon are reserved for members who sustain serious or traumatic injury or death while actively engaged in law enforcement activity.The injury must be the result of a criminal or hostile act by other (s) while in direct engagement with, or direct response to, criminal activity.

Meritorious Service Medal and ribbon (Blackinton RC-31 Ribbon/Blackinton A4119 in Rhodium with "Medal of Merit" bottom rocker and State of California Seal)

- The Meritorious Service Medal is given for superior handling of a difficult situation, conspicuous bravery or outstanding performance, or outstanding service to the community and/or the Sheriff's Office which reflects upon law enforcement in the highest tradition.

Sheriff's Commendation Green and Gold Chest Ribbon (Blackinton RC-12 Ribbon)

- The Sheriff's Commendation Green and Gold Chest Ribbon shall be given when a member is noted to have done an exceptional job over a period of time, or in one single instance with a performance that is particularly remarkable going above and beyond the officer's normal duties.

Sheriff's Unit Citation (Framed letter on bonded paper with seal and frame)

- The Sheriff's Unit Citation shall be awarded by the Sheriff to recognize a specific unit or units for an outstanding job or task. These are existing units within a division assigned to specific tasks or duties.

Divisional Letter of Recognition (Framed letter on bonded paper with seal and frame)

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- The Divisional Letter of Recognition shall be given by Divisional Commanders for special recognition for outstanding service on a single event or assigned task.

#### Sheriff's Community Member Challenge Coin (Design approved by the Sheriff or designee)

- The Sheriff's Community Member Challenge Coin is given by the Sheriff to a community member who comes to the aid of Sheriff's Office members or other community members in need. This should be awarded to those who went above and beyond simple acts of kindness or decency. Examples of such acts are:
  - (a) An act of heroism which directly assists law enforcement or contributes to the safety of the community, where the objective is of sufficient importance to justify the risk.
  - (b) Where the nominee risks his/her life with full and unquestionable knowledge of the danger involved or where a reasonable person would assume his/her life was in great danger.
  - (c) A major accomplishment which directly makes a substantial contribution to more effective law enforcement or crime prevention.
  - (d) Performance of an exceptional act under emergency conditions, not involving bravery, wherein a service is rendered that results directly in sustaining human life.
  - (e) Sustained or continuous personal support of law enforcement evidenced by acts or deeds.

#### 1015.4.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation shall be in memo format and should contain:

- (a) Identifying information:
  - (a) For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
  - (b) For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

#### 1015.4.2 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.

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- (c) The signature of the person submitting the documentation.

The member taking the information shall document the receipt of the information and any additional information in memo format.

#### 1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded through the chain of command to the appropriate Division Commander for their review. The Division Commander should sign and forward the documentation to the Undersheriff for their review.

The documentation will then be returned to the Professional Standards Unit for entry into the member's personnel file. The Professional Standards Unit will be responsible for ordering ribbons, awards, and medals.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded through the chain of command to the Administration Division Commander. The documentation will be signed by the Division Commander and forwarded to the Undersheriff for their 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.

#### 1015.5 SERVICE RIBBONS AND AWARDS

Service ribbons may be bestowed upon sworn members of the Office reflecting a member's service to a specialty unit such as the Special Enforcement Detail or a specialty assignment such as Search and Rescue Coordinator. These ribbons include:

- Agency Service Ribbon (Blackinton RC-22): Awarded to members of the Nevada County Sheriff's Office after completion of 10 years of service. A star may be added to the ribbon for every additional 10 years of service.
- Search and Rescue (SAR) Coordinator Ribbon (Blackinton RC-56): Awarded to employees after successful completion of a minimum of 1 year of service as a certified SAR coordinator and after completing a minimum of 3 missions as a coordinator within a 12-month period.
- Field Training Officer Ribbon (FTO) (Blackinton RC-6): Awarded upon POST certification and completion of 1 year of service or after transfer from assignment by promotion or lateral specialty assignment.
- Detective Ribbon (Blackinton RC-30): Awarded to employees after successful completion of tour and/or 1 year of service in assignment or after transfer from assignment by promotion.
- Canine Deputy Ribbon (Blackinton RC-11): Awarded to members after successful completion of Canine Handler School and minimum 1 year of service as a Canine Handler.
- Community Service Ribbon (Blackinton RC-16): Awarded to employees after successfully completion of tour and/or 1 year of service in assignment of Mobil Crisis

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Unit or Community Outreach or after transfer from assignment by promotion or lateral specialty assignment.

- School Resource Officer Service Ribbon (Blackinton RC-41): Awarded to employees for service as a School Resource Officer after 1 year of service in assignment or after transfer from assignment by promotion or lateral specialty assignment.
- Special Enforcement Detail Commander Ribbon (SED) (Blackinton RC-44): Awarded to employees after successful completion of a minimum of 1 year of service as the Nevada County Sheriff's Office Special Enforcement Detail Commander.
- Special Enforcement Detail Ribbon (SED) (Blackinton RC-53): Awarded to employees after successful completion of a minimum of 1 year of service on the Nevada County Sheriff's Office Special Enforcement Detail.
- Critical Incident Negotiations Team Commander Ribbon (CINT) (Blackinton RC-37): Awarded to employees after successful completion of a minimum of 1 year of service as the Nevada County Sheriff's Office Critical Incident Negotiations Team Commander.
- Critical Incident Negotiations Team Ribbon (CINT) (Blackinton RC-38): Awarded to employees after successful completion of a minimum of 1 year of service on the Nevada County Sheriff's Office Critical Incident Negotiations Team.
- Honor Guard Ribbon (Blackinton RC-54): Awarded for 4 years of service in the Honor Guard.
- Dive Team Ribbon (Blackinton RC-23): Awarded to employees after successful completion of a minimum of 1 year of service on the Nevada County Sheriff's Office Dive Team.
- 10851 Ribbon (Blackinton RC-8): A sworn member of the office who meets the following criteria pursuant to CHP policy: make six "rolling stolen" (suspect-occupied stolen vehicle in motion) arrests; or recover 12 vehicles (including 3 "rolling stolen"), or help identify a theft ring and arrest at least two suspects and recover at least 10 vehicles.
- MADD 23152 Ribbon (Blackinton RC-1): Awarded to employees who are recognized at the annual statewide MADD Awards Ceremony.
- Medical Ribbon (Blackinton RC-46): A member possesses current EMT or higher certificate.
- Honorable Military Service Ribbon: Any employee who has served honorably in the United States Armed Services may wear their highest ranking award commendation ribbon.
- American Flag Ribbon (Blackinton RC-47): May be worn by all uniformed members of the Nevada County Sheriff's Office.

Service ribbons may be bestowed upon correctional members of the Office reflecting a member's service to a specialty assignment such as Classification or a special duty such as Honor Guard. These ribbons include:

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- Agency Service Ribbon (Blackinton RC-22): Awarded to members of the Nevada County Sheriff's Office after completion of 10 years of service. A star may be added to the ribbon for every additional 10 years of service.
- Classification Officer (Blackinton RC-35): Awarded to members who have served for one year minimum as a Classification Officer.
- Compliance Officer (Blackinton RC-32): Awarded to members who have served for one year minimum as a Compliance Officer.
- Transportation Officer Ribbon (Blackinton RC-33): Awarded to members who have served for one year minimum as a Transportation Officer.
- Jail Training Officer Ribbon (FTO) (Blackinton RC-6): Awarded upon completion of one year of service as a jail training officer.
- Custody Emergency Response Team (CERT) (Blackinton RC-40): Awarded to members who have completed one year of service on CERT and completed necessary training requirements.
- Honor Guard Ribbon (Blackinton RC-54): Awarded for 4 years of service in the Honor Guard.
- Medical Ribbon (Blackinton RC-46): A member possesses current EMT or higher certificate.
- Honorable Military Service Ribbon: Any employee who has served honorably in the United States Armed Services may wear their highest ranking award commendation ribbon.
- American Flag Ribbon (Blackinton RC-47): May be worn by all uniformed members of the Nevada County Sheriff's Office.

Service ribbons may be bestowed upon animal control officers of the Office reflecting a member's service such as Equine Investigator. These ribbons include:

- Agency Service Ribbon (Blackinton RC-22): Awarded to members of the Nevada County Sheriff's Office after completion of 10 years of service. A star may be added to the ribbon for every additional 10 years of service.
- Equine Investigator Ribbon (Blackinton RC-13): Awarded to members who have completed an approved equine investigations academy level 1 and 2, and who have completed a certified equine cruelty investigator course.
- Supervising Animal Control Officer Ribbon (Blackinton RC-34): Awarded to members after one year of assignment to Supervising Animal Control Officer.
- Senior Animal Control Officer Ribbon (Blackinton RC-25): Awarded to members after one year of assignment to Senior Animal Control Officer.
- HEART Coordinator Ribbon (Blackinton RC-52): Awarded to members who have been assigned as coordinator on a minimum of 3 HEART deployments.
- Medical Ribbon (Blackinton RC-46): A member possesses current EMT or higher certificate.

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- Honorable Military Service Ribbon: Any employee who has served honorably in the United States Armed Services may wear their highest ranking award commendation ribbon.
- American Flag Ribbon (Blackinton RC-47): May be worn by all uniformed members of the Nevada County Sheriff's Office.

#### 1015.5.1 SERVICE RIBBON DOCUMENTATION

Members who believe they are eligible for service ribbons may notify the Professional Standards Unit (PSU). The PSU will verify the request is justified and submit for approval through the chain of command to the Undersheriff for final approval.

Lateral members may submit documentation to have ribbons in the above categories from their prior agencies evaluated to ensure the guidelines match the requirements of this Office. If acceptable, the ribbon worn will correspond with the style detailed in this policy.

#### **1015.6 WEARING OF RIBBONS, AWARDS AND MEDALS**

All ribbons and medals may be worn with the Class A Eisenhower jacket for sworn or correctional officers. The top three ranking ribbons may be worn by sworn or correctional staff with the agency approved long sleeve or short sleeve button up shirt. Correctional staff who have been issued a Class A Eisenhower jacket may also wear ribbons or medals in accordance with this policy. Animal Control Officers may wear all their ribbons with the agency approved long sleeve button up shirt.

For members with more than one of the same award a "gold" star will be issued for each additional award. The stars shall be placed centered on ribbons with one ray of the star pointing up. For more than one star, they will be evenly spaced in a horizontal line on the ribbon bar.

#### 1015.6.1 ORDER OF PRECEDENCE

Ribbons shall be worn from the top down and left to right. Ribbons shall be worn on a bar or bars and pinned to the uniform. No portion of the bar or pin will be visible. Ribbons are typically worn in rows of three however rows of four may be used when displaying a large number of awards. When more than one row of ribbon bars is worn, all rows except the uppermost row will contain the same number of ribbons. Parallel rows of ribbon bars will be placed together. Ribbon bars will be centered 1/8 of an inch above the nameplate on the right breast pocket. Medals and ribbons shall be worn in the following order of precedence for sworn members:

1. Gold Medal of Valor
2. Silver Star
3. Bronze Star
4. Life Saving Medal
5. Purple Heart Medal
6. Meritorious Service Medal
7. Sheriff's Commendation Ribbon
8. Agency Service Ribbon

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9. SAR Coordinator Ribbon
10. Field Training Officer Ribbon
11. Detective Ribbon
12. Canine Ribbon
13. Community Service (MCT-Community Outreach) Ribbon
14. School Resource Officer Ribbon
15. SED Commander Ribbon
16. SED Ribbon
17. CINT Commander Ribbon
18. CINT Ribbon
19. Honor Guard Ribbon
20. Dive Team Ribbon
21. 10851 Award Ribbon
22. MADD 23152 Ribbon
23. Medical Ribbon
24. Honorable Military Service Award
25. American Flag Ribbon

Medals and ribbons shall be worn in the following order of precedence for correctional officers:

1. Gold Medal of Valor
2. Silver Star
3. Bronze Star
4. Life Saving Medal
5. Purple Heart Medal
6. Meritorious Service Medal
7. Sheriff's Commendation Ribbon
8. Agency Service Ribbon
9. Classification Officer Ribbon
10. Compliance Officer Ribbon
11. Transport Officer Ribbon
12. Jail Training Officer Ribbon
13. Custody Emergency Response Team Ribbon
14. Honor Guard Ribbon
15. Medical Ribbon

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16. Honorable Military Service Award
17. American Flag Ribbon

Medals and ribbons shall be worn in the following order of precedence for animal control officers:

1. Gold Medal of Valor
2. Silver Star
3. Bronze Star
4. Life Saving Medal
5. Purple Heart Medal
6. Meritorious Service Medal
7. Sheriff's Commendation Ribbon
8. Agency Service Ribbon
9. Equine Investigator Ribbon
10. Supervising Animal Control Officer Ribbon
11. Senior Animal Control Officer Ribbon
12. Heart Coordinator Ribbon
13. Medical Ribbon
14. Honorable Military Service Award
15. American Flag Ribbon

## **Fitness for Duty**

### **1016.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that all members of this office remain fit for duty and able to perform their job functions (Government Code § 1031).

### **1016.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this office 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.

### **1016.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Sergeant or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff or the authorized designee shall be promptly notified in the event that any employee is relieved from duty.

### **1016.4 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.

### **1016.5 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.

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Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination indicates that the employee's conduct appears to be in compliance with policy and appropriate for the circumstances.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff or designee 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 Office 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 Office 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 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.

#### **1016.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 18 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

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### *Fitness for Duty*

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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.

#### **1016.8 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

### 1017.1 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 Executive.

This policy is in addition to the Nevada County Personnel Code and any pertinent Memoranda of Understanding between the County of Nevada and the bargaining units.

#### 1017.1.1 MEAL PERIODS

Uniformed patrol deputies and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol deputies shall advise the Regional Dispatch 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.

#### 1017.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

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 Regional Dispatch Center.

## Payroll Records

### 1019.1 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.

### 1019.2 POLICY

The County of Nevada maintains timely and accurate payroll records.

### 1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages. Members shall use the PCN code associated with the activity they are performing when submitting their timesheets.

Supervisors are responsible for approving the payroll records for those under their commands.

### 1019.4 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.

### 1019.5 RECORDS

The Chief Fiscal Officer 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

### 1020.1 PURPOSE AND SCOPE

It is the policy of the Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an overtime request as soon as practical after overtime is worked.

#### 1020.1.1 OFFICE POLICY

Because of the nature of law enforcement work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Office. 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.

Eligible employees may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the amount of compensatory time established by the MOU between the bargaining units and the County.

Scheduled overtime slots, contractual and normal patrol, will first be posted for voluntary sign-up or assigned per the following procedure:

- (a) Overtime sign-up sheets will be posted.
- (b) Shifts not signed up seventy-two (72) hours prior to the date of the overtime shift will be assigned. Overtime will be assigned based on employee availability and seniority. The assignment of overtime shifts will be done by the supervisor.
- (c) Maintaining shift minimum staffing levels is the responsibility of the affected shift supervisor.

### 1020.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and approval.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

# Nevada County Sheriff's Office

## Policy Manual

### *Overtime Compensation Requests*

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#### 1020.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and submit the request electronically. Employees submitting overtime requests for on-call pay when off duty shall submit the request when submitting their timesheet.

#### 1020.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

#### **1020.3 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). The supervisor will enter the actual time worked. Employees shall use the correct PCN code when entering overtime on their timesheets.

#### 1020.3.1 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

#### 1020.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation in the comments section of the overtime payment request.

## Outside Employment

### 1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

#### 1021.1.1 DEFINITIONS

**Outside Employment** - Any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office 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 office for services, product(s) or benefits rendered.

### 1021.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must submit an Outside Employment Agreement, an Outside Employment Request Form, and request an appointment with the Sheriff or the designee. The member will also submit a memo with a detailed account of the type of employment, location, duties to be performed, any potential impacts to the member's job performance along with anticipated conflicts or discredit to the Sheriff's Office.

The Sheriff or designee will meet with the member and form a decision regarding outside employment. The decision will be noted on the Outside Employment Request Form and all documentation will be provided to the Professional Standards Unit for retention in the member's personnel file.

The employee will be provided with a copy of the documents. If the request is approved, the member will re-submit a new memo requesting continued outside employment one year from the initial date of approval. If the scope of work, duties, location, or other pertinent changes to the outside employment, the employee will submit a memo noting the changes to the Sheriff or designee.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of request at the time of the denial (Penal Code § 70(e)(3)).

#### 1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Office, the employee may file a written notice of appeal to the Sheriff or the designee within ten days of the date of denial.

# Nevada County Sheriff's Office

## Policy Manual

### *Outside Employment*

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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) if applicable.

#### 1021.2.2 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 office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff or the designee 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 office policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

#### 1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Office expressly reserves the right to deny any outside employment request submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of office time, facilities, equipment or supplies, the use of the Office 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 office 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 office.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involves time demands that would render performance of the employee's duties for this office less efficient.

#### 1021.3.1 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 office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

# Nevada County Sheriff's Office

## Policy Manual

### *Outside Employment*

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Any private organization, entity or individual seeking special services for security or traffic control from members of this office must submit a written request to the Sheriff or the designee in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Office.

- (a) The applicant will be required to enter into an agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation of all employees requested for such outside security services at a rate set forth by the agency Chief Fiscal Officer.
- (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 office uniform/identification.
  - 2. The deputy(s) shall be subject to the rules and regulations of this office.
  - 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, if applicable.
  - 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 or the designee.

#### 1021.3.2 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 office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### 1021.3.3 SPECIAL RESTRICTIONS

In the event an employee is injured at their place of outside employment to the point where the injury will affect the employee's ability to work at the Nevada County Sheriff's Office, the employee will notify the Professional Standards Unit in writing before the employee's next assigned shift. The employee will also follow the Nevada County Personnel Code procedures regarding returning to work and reporting injuries that occur outside of work.

#### 1021.4 OFFICE RESOURCES

Employees are prohibited from using any office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this office.

# Nevada County Sheriff's Office

## Policy Manual

### *Outside Employment*

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#### 1021.4.1 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 Office 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 Office becomes concerned that a conflict of interest exists based on a financial reason, the Office 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.

#### 1021.5 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 or the designee via a memo. 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 or the designee any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### 1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Office members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform the Professional Standards Unit in writing within ten days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The Professional Standards Unit shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff or their designee whether such outside employment should continue.

In the event the Sheriff or the designee 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.
- (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.

# Nevada County Sheriff's Office

## Policy Manual

### *Outside Employment*

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When the disabled member returns to full duty with the Nevada County Sheriff's Office, a request (in writing) may be made to the Sheriff or the designee to restore the permit.

# Occupational Disease and Work-Related Injury Reporting

## 1022.1 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.

This policy is in addition to the Nevada County Personnel Code and any pertinent Memoranda of Understanding between the County of Nevada and the bargaining units.

### 1022.1.1 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.).

## 1022.2 POLICY

The Nevada 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.).

## 1022.3 RESPONSIBILITIES

### 1022.3.1 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).

### 1022.3.2 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 through the chain of command for management review promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

As appropriate, supervisors shall determine whether the Major Incident Notification policy applies and take additional action as required.

### 1022.3.3 MANAGEMENT RESPONSIBILITIES

Any member of management 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 Professional Standards Unit. The Professional Standards Unit will then forward the report to the County's risk management entity to ensure

# Nevada County Sheriff's Office

## Policy Manual

### *Occupational Disease and Work-Related Injury Reporting*

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any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required.

#### 1022.3.4 SHERIFF RESPONSIBILITIES

The Sheriff or the designee shall review and forward copies of the report to the Department of Human Resources and Risk Management. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

#### **1022.4 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. The completed form shall be forwarded to the appropriate Division Commander through the chain of command and sent to the Professional Standards Unit.

## Personal Appearance Standards

### 1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

### 1023.2 GROOMING STANDARDS

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. Neither goatees, sideburns, or beards are permissible while in uniform for Honor Guard.

#### 1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male uniformed staff, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female uniformed staff 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.

#### 1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. No portion of the mustache will cover the upper lip line or extend sideways more than  $\frac{1}{2}$  inch beyond a vertical line drawn upward from the corner of the mouth nor more than  $\frac{1}{4}$  inch below the corner of the mouth.

#### 1023.2.3 GOATEES

Goatees will be kept neatly trimmed, tapered and tidy. Goatees will not exceed 1 inch in hair length beyond the chin line. Goatees will not flare out from the lip line but will maintain a straight line from the moustache lip line down to the chin.

#### 1023.2.4 SIDEBURNS

Sideburns will be neatly trimmed. The width shall not exceed two (2) inches. The base will not be flared, and will be a clean-shaven, horizontal line. Sideburns will not extend below the lowest part of the exterior ear opening.

#### 1023.2.5 BEARDS

Beards will be kept neatly trimmed, tapered and tidy. Beards will not exceed 1 inch in hair length beyond the chin line. Beards can be grown from the chin line towards the neck, not to exceed 1 inch in length from the chin line towards the neck. The neck will be clean shaven. Beards will have a clean-shaven line from the sideburns, extending down and around towards the lip line, with no hair on the upper cheek area.

# Nevada County Sheriff's Office

## Policy Manual

### *Personal Appearance Standards*

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#### 1023.2.6 FINGERNAILS

Fingernails will be kept clean and neatly trimmed so as not to interfere with the performance of duty, detract from a professional image, or present a safety hazard.

#### 1023.2.7 JEWELRY

This section shall only apply to uniformed members.

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe by female members only.
- (c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

#### 1023.3 TATTOOS

While on-duty, or representing the Sheriff's Office in any capacity, members may have or display tattoos; with the following restrictions:

- (a) One wedding ring tattoo on the ring finger
- (b) Tattooed make-up giving the appearance of natural color and style is allowed (i.e. eyebrows)
- (c) No other visible tattoos are permitted on the head, face, neck or hands. Hands are considered to be the area below the wrist bone
- (d) Tattoos depicting racist, indecent, extremist, lawless or offensive themes are prohibited. A tattoo is considered "offensive" if it is sexist, sexual, racist, vulgar, drug use, violent, gang related, or discriminates against any person by virtue of words, symbols, or pictures in the tattoo or body art.
  - 1. **Extremist tattoos** - These tattoos or brands "affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. " This would include tattoos that feature philosophies, groups or activities that promote racial or gender intolerance; encourage discrimination based on numerous factors, including race, gender and religion; advocate violence or "other unlawful means of depriving individual rights under the U.S. Constitution, and federal or state law."

# Nevada County Sheriff's Office

## Policy Manual

### *Personal Appearance Standards*

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2. **Sexist tattoos** - These include tattoos and brands that "advocate a philosophy that degrades or demeans a person based on gender."
  3. **Racist tattoos** - Tattoos or brands that "advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin" are not allowed.
- (e) All tattoos shall be covered when assigned to the courthouse in any capacity, including but not limited to court security, transportation, or participating in court hearings.
1. Transportation officers may display tattoos while conducting any out of court transportations.

#### **1023.4 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.

#### **1023.5 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## Uniforms and Civilian Attire

### 1024.1 PURPOSE AND SCOPE

This policy provides guidelines for Nevada County Sheriff's Office-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of office uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Office.

This policy addresses the wearing and maintenance of office uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Office.

Other related topics are addressed in the Office-Owned and Personal Property, Personal Appearance Standards, Visible Display of Identification, and Facial Coverings policies.

### 1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's members wear the uniform to be identified as a law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need. The following shall apply to those assigned to wear office-issued uniforms:

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All uniformed members of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable office specifications.
- (d) Members shall wear only the uniform specified for their ranks and assignments (Penal Code § 13655).
- (e) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (f) Uniforms are only to be worn while on duty, for court, at official office functions or events, while in transit to or from work, for court, or when authorized by the Sheriff or the authorized designee.
  1. When the uniform is worn while in transit in privately owned vehicles, an outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while they are off-duty.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of the uniform that would make them recognizable as Sheriff's Office employees.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

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## Policy Manual

### *Uniforms and Civilian Attire*

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- (i) Members shall not allow any individual not a member of the agency or unit to borrow, possess, wear or use in any manner the authorized uniform, or any of its component parts.

#### 1024.2.1 IDENTIFICATION CARDS

The Office issues each member an official office identification card bearing the member's name, full-face photograph, member identification number, member's signature, and signature of the Sheriff or the official seal of the Office, and photo likeness. All members shall be in possession of their office-issued identification cards at all times while on-duty, while carrying a firearm on or off-duty or in office facilities.

- (a) Whenever on duty or acting in an official capacity representing the Office, members shall display their office-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies or other members working specialized assignments may be excused from the possession and display requirements when directed by their supervisors.

#### 1024.2.2 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to office uniforms unless an exception is authorized by the Sheriff:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The office-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform (Penal Code § 830.10).
  1. 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.
  2. If the member desires to display anything other than the legal first name, the member must receive approval from the Sheriff.
  3. The nameplate shall be worn and placed on the upper right pocket seam 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.
  4. The nameplate shall display the member's first and last name. If a member'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.
  5. Embroidered names shall have the initial of the first name and will accompany the last name.
- (d) Service insignia - The designated insignia indicating the member's length of service may be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of 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

# Nevada County Sheriff's Office

## Policy Manual

### *Uniforms and Civilian Attire*

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stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. Service stripes are awarded at a rate of a single stripe for four years of service. Members who have worked as correctional officers may count their time as a correctional officer toward their total service time.

- (e) Assignment insignias - Approved assignment insignias (e.g., Special Enforcement Detail (SED), Field Training Officer (FTO)) may be worn as designated by the Sheriff.
- (f) American flag pin - An American flag pin may be worn, centered above the nameplate.
- (g) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Sheriff, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

#### **1024.2.3 MOURNING BAND**

Uniformed members shall wear a black mourning band horizontally across the office badge whenever a law enforcement officer is killed in the line of duty or as directed by the Sheriff. The following mourning periods will be observed:

- (a) Nevada County Sheriff's Office deputy - From the time of death until midnight on the 14th day after the death.
- (b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

#### **1024.3 UNIFORM CLASSES**

The Sheriff or the authorized designee shall determine the uniform to be worn by each office member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Full dress uniform to be worn by designated office members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Sheriff or the authorized designee.
- (b) Class B - Standard issue uniform to be worn daily by designated office members.
- (c) Class C - General utility uniform to be worn by designated office members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

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#### 1024.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Agency issued tie bar or tack.
- (c) Black belt.
- (d) Black socks.
- (e) Black Corfam-style polished shoes or black boots with toe that can be polished.
- (f) Approved uniform trousers.
- (g) Eisenhower Jacket (Dependent upon occasion).
- (h) Boots with pointed toes are not permitted.

#### 1024.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Approved uniform trousers.
- (e) Black belt.
- (f) Black socks.
- (g) Footwear for the Class B uniform shall be the same as the Class A uniform.
- (h) Boots with pointed toes are not permitted.

#### 1024.3.3 CLASS C UNIFORM

All deputies, reserve deputies, and animal control officers will possess and maintain a serviceable Class C uniform available at all times.

The Class C uniform will consist of:

- (a) The long or short sleeve button-up shirt may be worn with the collar open. No tie is required. A long or short sleeve patrol polo shirt may be worn with the collar open as a substitute. (See Civilian Attire section of this policy for information regarding polo shirts for non-patrol personnel). Agency approved outer carriers and pouches may also be worn with the Class C uniform.
- (b) A black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.

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- (d) Approved BDU style green pants.
- (e) Footwear for the Class C uniform shall be the same as the Class A and B uniform.
- (f) Boots with pointed toes are not permitted.
- (g) All black unpolished shoes may also be worn.

The Class C1 uniform is for custody personnel at the Wayne Brown Correctional Facility and custody personnel at the Truckee Jail. It is authorized for wear year-round. Custody personnel wearing the Class C1 uniform may wear the agency approved outer carrier and pouches, as an optional piece of equipment (See "Optional Equipment – Maintenance, and Replacement" section of this policy), provided they are black in color. The outer carriers must display the member's name on a black nametape with the name embroidered in gold and the agency approved cloth badge (See "Insignia and Patches" section of this policy for further). The large patch across the upper back of the outer carrier must say "SHERIFF" in gold lettering over a black colored patch. Members who have been issued body armor are authorized to insert the ballistic panels, which have not yet expired, into the outer carrier.

The Class C1 uniform will consist of:

- (a) Black Windbreaker
- (b) Long or short sleeve black shirt, may be worn with the collar open
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Badge (cloth), also worn on duty jackets
- (e) Name tape (black with gold lettering)
- (f) A black crew neck t-shirt must be worn with the uniform
- (g) Under garments and brassieres (if applicable)
- (h) Issued BDU style black pants
- (i) Underbelt and duty belt
- (j) Shoes for the Class C1 uniform shall be the same as the Class A and B uniform
- (k) Boots with pointed toes are not permitted
- (l) Supervisors and Truckee personnel may wear a jacket (forest green or black)
- (m) Supervisory custody personnel shall wear the Class A uniform when required
- (n) Administrative personnel shall have the option to wear standard issued Class C, Class C1 or Civilian Attire, unless otherwise designated
- (o) Administrative personnel shall have the option to wear a gray polo shirt (embroidered first initial and last name)

The Kitchen Personnel uniform is for Food Services personnel at the Wayne Brown Correctional Facility. It is authorized for wear year-round.

- (a) Windbreaker

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- (b) Long or short sleeve green shirt, may be worn with the collar open.
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Name tape (green with gold lettering)
- (e) A black crew neck t-shirt must be worn with the uniform
- (f) Under garments and brassieres (if applicable)
- (g) Issued BDU style black pants
- (h) Shoes may be as described in the Class A and B uniform or approved non-slip black footwear
- (i) Boots with pointed toes are not permitted

#### 1024.3.4 SPECIALIZED UNIT UNIFORMS

Specialized units shall abide by the standard uniform guidelines other than the below:

Marine Patrol shall wear green agency-approved shorts and a tan polo shirts. Appropriate swimsuits shall only be worn by Marine Patrol staff while in the water performing designated tasks such as boat maintenance.

Special Enforcement Detail shall wear the agency approved SED BDU pants and shirt that do not have a camouflage printed or patterned material. (Cal. Pen. Code § 13655) Subdued patches and lettering may be authorized by the SED Team Leader.

Canine deputies may wear the agency-approved green long or short sleeve polo shirts under their outer carriers.

The Sheriff may authorize special uniforms to be worn by members in specialized units or specialized assignments.

#### 1024.3.5 FOUL WEATHER GEAR

Insulated jumpsuits, rain pants, or snow boots may be worn by patrol staff in the event of inclement weather if approved by the Shift Sergeant.

#### 1024.3.6 HEADWEAR

Agency approved ballcaps may be worn with the Class B, Class C, and Class C1 uniform. Members may wear the agency authorized beanie or cowboy-style hat with the Class B and Class C uniform. No style of headwear shall be worn while in a courtroom. Campaign hats are authorized for honor guard members in honor guard uniform.

### **1024.4 CIVILIAN ATTIRE**

There are assignments within the agency 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.

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- (b) All sworn personnel who elect to wear civilian clothing to work shall wear buttoned dress style shirts with a collar, agency polo shirts, slacks/dockers style pants (no denim or jeans), or suits that are moderate in style. For sworn personnel assigned to investigations see Investigations Attire. Should rank or job title be embroidered on the polo shirt it shall be placed above the name in the same font and will be specifically stated in this policy.
- (c) All administrative and support personnel, excluding dispatch personnel, who elect to wear civilian clothes to work shall wear dresses, slacks/dockers style pants (no denim or jeans), buttoned dress style shirts with a collar, blouses, agency polo shirts, or suits which are moderate in style.
- (d) If employees choose to wear polo shirts with Sheriff's Office logos the following guidelines shall be followed:
  - 1. Black polos are reserved for executive staff. The first initial, last name and rank will be on the polo.
  - 2. Patrol may wear tan polo shirts which have been approved by the agency. The first initial and last name will be on the polo. "Sheriff" will be printed on the back.
  - 3. Public Administrator staff may wear green agency approved polos. The first initial, last name, and Public Administrator shall be on the right chest. Pants shall be tan BDU style to be worn while conducting field work for public administrator cases. Jackets shall be agency-approved black jackets.
  - 4. Animal Control may wear tan polo shirts with the first initial and last name. "Animal Control" will be printed on the back.
  - 5. Jail Administration, the compliance officer, the lobby officer, and classification officers may wear gray polo shirts with the first initial, last name, and rank or job title. The administrative analyst correctional technician, and correctional counselor may wear green polo shirts with the first initial, last name, and rank or job title.
  - 6. Rood Center administrative staff may wear green agency approved polos. Pants shall be tan BDU style pants other than as authorized by supervisors for special events or operations.
  - 7. Sheriff's Property Unit Staff may wear green agency approved polos and black BDU style pants.
  - 8. Sheriff's Public Information Officer staff are expected to wear green agency approved polos. Pants shall be tan BDU style pants. The first initial, last name, and PIO shall be on the right chest.
- (e) The following items should not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals, thongs, western, cowboy, logger, or work style boots.
  - 3. Swimsuit, tube tops, tank tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.

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5. Distasteful printed slogans, buttons or pins.
- (f) Variations from this policy 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.
- (g) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Nevada County Sheriff's Office or the morale of the employees.

#### **1024.5 INVESTIGATIONS ATTIRE**

Sworn staff assigned to investigations are expected to wear professional clothing reflective of their position.

##### **1024.5.1 MAJOR CRIMES UNIT ATTIRE**

Detectives of the Major Crimes Unit shall wear the following attire while on daylight savings time from spring until late fall.

- (a) Button up short or long sleeve shirt. No tie is required.
- (b) MCU detectives may also elect to wear a tan or green agency approved polo with Sheriff's Office badge and name embroidered.
- (c) Pants shall be docker-style dress slacks. Jeans or chinos are not permitted.
- (d) Footwear shall be dress shoes.

Detectives of the Major Crimes Unit shall wear the following attire while off daylight savings time from fall until spring.

- (a) Suits that are moderate in style.
- (b) Button up long sleeve shirt with a tie.
- (c) Pants shall be docker-style dress slacks. Jeans or chinos are not permitted.
- (d) Footwear shall be dress shoes.

Major Crimes Unit detectives are permitted to dress down for search warrants or other operations where more practical clothing is required at the discretion of the Investigations Sergeant or above. The agency approved western-style cowboy hat or baseball cap are authorized when warranted for protection from the sun or inclement weather.

##### **1024.5.2 SPECIAL INVESTIGATIONS UNIT ATTIRE**

Detectives of the Special Investigations Unit shall wear the following attire year-round.

- (a) Button up short or long sleeve shirt. No tie is required but is permitted if desired.
- (b) Pants shall be docker-style dress slacks.
- (c) Footwear shall be dress shoes.

SIU detectives electing to wear an agency approved polos may do so in the following manner:

- (a) Tan or green agency approved polo with the Sheriff's Office badge and name embroidered.

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- (b) Pants shall be green or tan office-approved BDU style pants.
- (c) Footwear shall be tan or black boots.

Special Investigations Unit detectives are permitted to dress down for search warrants or other operations where more practical clothing is required at the discretion of the Investigations Sergeant or above. The agency approved western-style cowboy hat or baseball cap are authorized when warranted for protection from the sun or inclement weather.

#### **1024.6 DISPATCH ATTIRE**

All staff assigned to dispatch may dress in casual wear or agency authorized green polo shirts for their regular duties and events such as tactical dispatch call-outs, recruiting or other activities as authorized by their supervisor. All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

The following items shall not be worn on duty:

- (a) Sleepwear
- (b) Revealing and/or see-through clothing

No item of clothing may be worn on duty that would adversely affect the reputation of the Nevada County Sheriff's Office or the morale of the employees.

#### **1024.7 VOLUNTEER UNIFORMS**

Volunteers shall wear the following:

- (a) White button-up shirt with long or short sleeved shirt
- (b) Black utility jacket (optional)
- (c) BDU style green pants
- (d) Agency-issued ballcap (optional)
- (e) Black shoes or boots (Not-issued)

#### **1024.8 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, Nevada County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize an agency 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 Nevada 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.

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#### **1024.9 JAIL AUTHORIZED EQUIPMENT**

Authorized equipment may be issued by the Nevada County Sheriff's Office, purchased by the member and approved for use, or exchanged among personnel.

No member may carry an authorized weapon until they have completed and successfully passed an agency approved training authorizing the use of said weapon.

Authorized equipment includes:

- (a) Underbelt, duty belt and keepers
- (b) Handcuffs, handcuff key and holster
- (c) Radio holster, radio and ear piece
- (d) OC and holster
- (e) Flashlight and holster
- (f) CED and holster
- (g) Gun holster
- (h) Magazine pouch
- (i) Key holder
- (j) Impact weapon and holster
- (k) Glove pouch

#### **1024.10 OPTIONAL EQUIPMENT**

Any items that are allowed by the Nevada County Sheriff's Office but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Office.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be done as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Office-Owned and Personal Property Policy.

##### **1024.10.1 RETIREE BADGES**

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states the person has honorably retired from the Nevada County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retiree Concealed Firearms Policy in this manual.

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A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Nevada County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1024.11 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Nevada County Sheriff's Office members may not wear any uniform item, accessory or attachment unless specifically authorized in this policy or by the Sheriff or designee.

Nevada County Sheriff's Office members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in this policy or by the Sheriff or designee.

Nevada County Sheriff's Office members may not wear clothing that is too revealing, provocative or a distraction in the workplace.

#### **1024.12 POLICY**

The Nevada County Sheriff's Office will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's memorandum of understanding. The Office may provide other office members with uniforms at the direction of the Sheriff.

All uniforms and equipment issued to office members shall be returned to the Office upon termination or resignation.

## Nepotism and Conflicting Relationships

### 1026.1 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 office. 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.

This policy is in addition to the Nevada County Personnel Code and any pertinent Memoranda of Understanding between the County of Nevada and the bargaining units.

#### 1026.1.1 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 Office 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 office 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.

### 1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

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- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  - 2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office, 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 office 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.

#### 1026.2.1 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.

#### 1026.2.2 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

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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.

## Office Badges

### 1027.1 PURPOSE AND SCOPE

The Nevada County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Nevada County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

### 1027.2 POLICY

The uniform badge shall be issued to office members as a symbol of authority and the use and display of office badges shall be in strict compliance with this policy. Only badges authorized by this office shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1027.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff or the Undersheriff 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 office policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Nevada County Sheriff's Office with the written approval of the Sheriff or the Undersheriff.
- (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 Office 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.

#### 1027.2.2 NON-SWORN PERSONNEL

Badges and office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

- (a) Non-sworn personnel shall not display any office 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 office 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.

#### 1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes with the approval of the Sheriff or Undersheriff. 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.

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#### **1027.3 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.

Office badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The office badge, shoulder patch or the likeness thereof, or the office 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 office name for all material (printed matter, products or other items) developed for office use shall be subject to approval by the Sheriff or the Undersheriff.

Employees shall not loan his/her office badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

#### **1027.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the office badge shall not be used without the expressed authorization of the Sheriff or the Undersheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the office badge for merchandise and official association business provided they are used in a clear representation of the association and not the Nevada 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 office badge shall not be used for endorsement of political candidates without the expressed approval of the Sheriff or the Undersheriff.

## Temporary Modified-Duty Assignments

### 1028.1 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.

### 1028.2 POLICY

Subject to operational considerations, the Nevada 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.

### 1028.3 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 Nevada 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.

### 1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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### *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a request to the Professional Standards Unit 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 Professional Standards Unit will make a recommendation through the chain of command to the Administrative Captain or their designee regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Administrative Captain or their authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignments of less than forty hours per week may be approved and facilitated by the Professional Standards Unit, with notice to the Administrative Captain or their designee.

At the Administrative Captain or their designee's direction, the risk manager of the county may be contacted for assignment to another county agency. Salary and benefits shall be paid by the employee's regularly assigned budget code.

#### **1028.5 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 Professional Standards Unit.

##### **1028.5.1 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) Providing all pertinent paperwork regarding return to work status, limitations, etc. from the treating physician within two business days.
- (d) Communicating a status update to the Professional Standards Unit no less than once every week via telephone or in person while assigned to temporary modified duty.

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### *Temporary Modified-Duty Assignments*

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- (e) 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.

#### **1028.5.2 PROFESSIONAL STANDARDS UNIT RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of the Professional Standards Unit shall include, but not be limited to:

- (a) Periodically apprising the Administrative Captain or their designee of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Administrative Captain or their designee 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.

Return to Work Agreements with employees needing modified duty shall be completed within the Professional Standards Unit, and will be maintained in the employee's medical file with a copy for the employee. The Return to Work Agreement shall be reviewed after each visit to the employee's doctor for updates or changes in work capability.

#### **1028.6 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.

#### **1028.7 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).

##### **1028.7.1 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

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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.

#### **1028.8 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.

#### **1028.9 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.

# Speech, Expression, and Social Networking

## 1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Nevada County Sheriff's Office.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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 a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1030.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Nevada County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Office will carefully balance the individual member's rights against the needs and interests of the Office when exercising a reasonable degree of control over its members' speech and expression.

## 1030.3 SAFETY

Members should carefully consider 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 Nevada County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow office member.
- Otherwise disclosing where another deputy can be located off-duty.

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#### **1030.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the safety, performance, and public-trust needs of the Nevada County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 Office or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. Participation 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 member as a witness. For example, posting to a website statements or expressions 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 members of the Office (e.g., 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 members 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 Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment 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, digital media, or audio recordings, likenesses, or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Nevada County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

Members 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).

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#### 1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Nevada County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the 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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Nevada County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

#### 1030.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

The Office should not require a member to disclose a personal user name or password for accessing personal social media or to open a personal social website.

#### 1030.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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- (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 their 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.

#### **1030.7 TRAINING**

Subject to available resources, the Office should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Office.

## Line-of-Duty Deaths

### 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Nevada 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.

#### 1032.1.1 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.

### 1032.2 POLICY

It is the policy of the Nevada 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.

### 1032.3 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 Shift Sergeant and Regional Dispatch 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 Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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- (c) If the member has been transported to the hospital, the Shift Sergeant 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).

#### **1032.4 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, Shift Sergeant, 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.

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- (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 Nevada County Sheriff's Office members may be apprised that survivor notifications are complete.

#### 1032.4.1 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.

#### 1032.5 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.

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Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

#### **1032.6 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.

##### **1032.6.1 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.

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- (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.

#### 1032.6.2 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 Nevada 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.

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#### 1032.6.3 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.

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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.

#### 1032.6.4 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

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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).

#### 1032.6.5 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:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Nevada 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).

#### 1032.6.6 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.

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- (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.
- (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.

#### 1032.6.7 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.

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#### **1032.7 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.
- (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.

#### **1032.8 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.

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#### **1032.9 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.

#### **1032.10 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.

#### **1032.11 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.

## Credit Card Policy

### 1034.1 PURPOSE AND SCOPE

The issuance of county credit cards to the Nevada County Sheriff's Office employees will streamline and augment the County's reimbursement procedure. The use of a credit card for travel in connection with investigations and training will reduce the amount of county staff time in processing these claims.

### 1034.2 POLICY

Commercial credit cards and gasoline credit cards that are issued to assigned county employees will be used for Sheriff's Office business purposes only in accordance with the Nevada County Personnel Code.

### 1034.3 PROCEDURE

- (a) The Sheriff or their designee will determine which employee classifications within the Sheriff's Office will be issued a county credit card. When a card is issued, either in a permanent or temporary use capacity, the employee will sign the Responsibility and Acknowledgment Agreement.
  - 1. Credit cards will not be issued to temporary employees.
- (b) Credit cards issued for fleet services will be utilized for appropriate purchases that would include routine gas, oil, radiator, and other essential items for County owned vehicles.
- (c) The employee may also charge incidental expenses that are allowed under the Nevada County Personnel Code and the Auditor's Commercial Card Procedures, regarding County business. At no time shall personal expenses, such as barbering, alcoholic beverages, entertainment, laundry, or dry cleaning be allowed by the use of the County credit card.
  - 1. The county commercial card may be used to purchase merchandise and over the counter services up to the card's authorized limit including tax, shipping, etc. The employee should ensure that they are making the most economical purchase that meets their needs as well as the requirements of other interrelated departments.
- (d) Cash advances are not authorized.
- (e) All employees assigned a credit card will upon use of said card retain any and all receipts regarding the card's use. Upon completion of County business, those receipts will be submitted along with a completed voucher form to the accounting supervisor. Those receipts will be verified pursuant to County policy for appropriateness of use.
- (f) To the extent possible, all authorized employee expenses for overnight travel should be charged to a county credit card. County issued credit cards may not be used for one day travel taxable meals. All such expenses must comply with the Travel Reimbursement and Expense Policy of the County Personnel Code including the meal per diem rate.

# Nevada County Sheriff's Office

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### *Credit Card Policy*

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1. Repayment from the cardholder for charges exceeding travel allowances is due within ten (10) business days of the completion of travel.
  2. Credit card holders shall use their card in lieu of requesting a travel advance.
- (g) At no time will the County employee, who is issued a credit card, either for fleet service or general use, transfer, loan, or give said card to any other person. If during the time the card is issued to a County employee it becomes lost or stolen:
1. The assigned employee will contact the nearest law enforcement agency with jurisdiction if the card is deemed stolen.
  2. If the card is lost or stolen, the employee will notify our Accounting Unit as soon as possible to report it.
- (h) Improper use of credit cards could result in discontinuance of card privileges and/or disciplinary action.

## Shift Rotation and Scheduling

### 1036.1 PURPOSE

- (a) To broaden deputy knowledge, experience, and skills through rotating exposure to the county, shift activity, fellow personnel, supervisors, and administrative staff.
- (b) To establish an equitable shift pattern that recognizes seniority.
- (c) To establish consistency in approving and denying leave requests.

### 1036.2 POLICY

This policy shall apply to patrol personnel. All patrol deputies will be scheduled in accordance with this policy. As office needs dictate, this policy may be modified, cancelled, reinstated, or permanently cancelled at the discretion of the Sheriff.

### 1036.3 PROCEDURE

- (a) Shift rotations will occur as necessitated by training and staffing levels.
- (b) Days off and shift selection will be determined by office seniority.
- (c) The County shall have in its sole discretion, the right to assign employees to new work schedules (days of work, start and end times) or move employees to previously worked schedules by giving the employees thirty (30) days notice.
- (d) Leave requests will be determined by seniority and/or time of request if seniority is equal.
  - 1. Personnel shall designate one vacation period as their annual vacation. The declaration of an annual vacation does not preclude an employee from taking other time off during the year.
  - 2. The annual vacation is defined as that period of vacation time requested off, whether or not it is supplemented by time from other leave balances, from one day to multiple weeks, that the employee considers the most important time off period in the fiscal year.
  - 3. Annual vacations will be given priority when scheduling time off. The office will endeavor to honor annual vacation requests over other requests which are not annual vacations.
- (e) Deputies may trade rotational shifts at any time with the approval of the Patrol Lieutenant. Trading will be approved on a case by case basis. The Patrol Lieutenant may choose to move a deputy to another shift for the experience and exposure. If this situation arises, the Patrol Lieutenant will ask for a volunteer from the other shift to trade with the deputy. If nobody volunteers, the Patrol Lieutenant will then pick the deputy with the least amount of seniority who is assigned to the shift the office wants the deputy assigned to.
- (f) Any appeals by a deputy regarding his/her scheduling will be heard by the Operations Commander.

# Nevada County Sheriff's Office

## Policy Manual

### *Shift Rotation and Scheduling*

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- (g) Requests for trades of shifts or days off must be directed to the patrol sergeant two weeks in advance with the exception of an emergency situation.
- (h) Deputies assigned to training with a F.T.O. will be scheduled as directed during the training period.
- (i) As office needs dictate, the adding or deleting of a shift, or the re-assignment of deputies may be done after the shift rotation process is completed. No seniority based rotation will be done due to the new reassignment. Reassigned deputies may rotate at the next scheduled rotation as seniority allows. New employees will work in open positions until the next shift rotation.
- (j) Any deputy who signs up for voluntary overtime to cover a shift, or to work a special function, will consider that to be an assigned work shift. If the deputy cannot work the shift, he/she will contact the patrol supervisor at least three (3) days prior in order to give the supervisor adequate notice of the absence. Exception to this would be for emergencies or illness.
- (k) Time Off Requests
  1. Requests for time off should be submitted to the shift supervisor fourteen (14) days in advance. The shift supervisor should ensure they have adequate staffing levels when considering the approval for time off requests.
- (l) Field Training Officers
  1. Deputies assigned as Field Training Officers shall choose their shift, by seniority, as set forth in this policy with exception that no more than two Field Training Officers will be assigned to each shift. Deputies assigned as Field Training Officers may be moved, at the discretion of the Field Training Sergeant and in accordance with any collective bargaining agreement, to meet Office training needs.
- (m) Sergeants
  1. Patrol Sergeants' scheduling will be determined by the Patrol Lieutenant. Seniority will apply as to preferred shift and days off.
    - (a) The exception to this would be while the sergeant is on probation and the change is to allow working both dayshift and nightshift during this period.
  2. Patrol Sergeants will not be granted time off on a county holiday if scheduled to work, unless they negotiate a shift trade or the holiday falls during a scheduled vacation period. The exception is when an O.I.C. and adequate staffing has been established for the holiday.

## Notary Guidelines

### 1037.1 POLICY

The Nevada County Sheriff's Office desires that two or more department employees have a Notary Public Commission at any one time. The Office will cover the cost of training, necessary materials, and Notary Bond as needed to obtain the commission and carry out the duties of a Notary Public.

### 1037.2 PURPOSE

To provide Notary Public services related to County of Nevada business. Most often Notary needs are for services of the Personnel/Training Unit and the Civil Division.

### 1037.3 CODE REFERENCE

**Government Code § 8201.1, § 8202.5, and § 8205**

### 1037.4 DEFINITIONS

**Notary Public:** A Notary Public is a person of proven integrity appointed by the government to serve the public as an impartial witness in taking acknowledgments, administering oaths and affirmations and performing other acts authorized by law.

### 1037.5 PROCEDURE

- A. Selection of Candidates for Notary Public
  - 1. Preference given to persons working administrative assignments.
  - 2. As the commission covers a four-year period, generally an individual that indicates a plan to continue working with the Office at least four more years.
  - 3. Assignment recommendations should be brought to the Sheriff, who will determine the need and authorize expenditures for training, necessary materials, and Notary Bond.
- B. Authorization to provide Notary services for Sheriff's Office business
  - 1. Office employees having received their training, materials and Notary Bond with the Nevada County Sheriff's Office are authorized to provide services relative to county business while on duty.
- C. Providing Notary Public services during regular business hours for non-business related activity
  - 1. The Nevada County Sheriff's Office discourages employees having received their training, materials and Notary Bond with the Nevada County Sheriff's Office from providing notary services during regular business hours for non-county related activity.
- D. Providing Notary Public services during non-business hours
  - 1. Any employee who is a notary and conducting business outside of the Sheriff's Office needs must comply with the Outside Employment policy.

## Visible Display of Identification

### 1038.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all deputies to be readily identifiable to the public by the visible display of the office name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the Nevada County Sheriff's Office is committed to transparency, accountability, and public trust.

#### 1038.1.1 DEFINITIONS

Definitions related to this policy include:

**Enforcement duties** - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

**Visibly display identification** - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the deputy interacts.

### 1038.2 POLICY

It is the policy of the Nevada County Sheriff's Office that all deputies visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

### 1038.3 VISIBLE DISPLAY OF IDENTIFICATION

Whenever performing enforcement duties, every deputy shall visibly display identification, including the name of this office and either the deputy's name or badge number, or both name and badge number.

This requirement shall not apply under the following conditions:

- (a) When deputies are engaged in active undercover operations or investigative activities
- (b) When deputies are wearing personal protective equipment that prevents display
- (c) When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the deputy is responding to those circumstances while off-duty
- (d) When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the deputy

### 1038.4 POSTING OF POLICY

The Sheriff or the authorized designee shall make this policy publicly available on the office website.

A written challenge regarding this policy shall be forwarded to the Sheriff or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court

# Nevada County Sheriff's Office

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### *Visible Display of Identification*

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proceedings may not be initiated by the challenging party until this 90-day period has been completed.

## Facial Coverings

### 1039.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the Nevada County Sheriff's Office is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

#### 1039.1.1 DEFINITIONS

Definitions related to this policy include:

**Facial covering** - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by a deputy utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

### 1039.2 POLICY

It is the policy of the Nevada County Sheriff's Office that facial coverings shall not be worn by deputies in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about deputy safety shall not be sufficient to justify the use of facial coverings.

### 1039.3 FACIAL COVERINGS

Facial coverings shall not be worn by deputies when performing their duties except under the following conditions:

- (a) Active undercover operations or assignments authorized by a supervisor or court order

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## Policy Manual

### *Facial Coverings*

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- (b) Tactical operations where protective gear is required for physical safety
- (c) Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
- (d) Protection of identity during a prosecution proceeding
- (e) Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor.

A supervisor shall not knowingly allow a deputy to violate state law or office policy limiting the use of a facial covering.

#### **1039.4 POSTING OF POLICY**

The Sheriff or the authorized designee shall make this policy publicly available on the office website.

A written challenge regarding this policy shall be forwarded to the Sheriff or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

## **Chapter 11 - Coroner's Directives**

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## Coroner's Procedure Manual

### 1100.1 PURPOSE AND SCOPE

The Coroner's Procedure Manual provides guidelines and policies for the deputy coroner; however, these guidelines are not all-inclusive and cannot take into account every contingency or possibility. The Coroner's Procedure Manual is to be used as a starting point and guide.

### 1100.2 CORONER DUTIES

The coroner acts for the purpose of protecting the rights of and speaking for the deceased while benefiting the living. Proper investigation of a coroner's case is as important as any criminal investigation and may develop as one.

Per Government Code Section 27491, it is the duty of the coroner to inquire into and determine the circumstances, manner, and cause of:

- (a) All violent, sudden, or unusual deaths
- (b) Unattended deaths
- (c) Deaths wherein the decedent has not been attended by a physician or registered nurse who is a member of the hospice care interdisciplinary team within 20 days before death
- (d) Deaths related to or following known or suspected self-induced or criminal abortion
- (e) Known or suspected homicide, suicide, or accidental poisoning
- (f) Deaths known or suspected as resulting in whole or in part or related to accident or injury either old or recent.
- (g) Deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration
- (h) Sudden Infant Death Syndrome (SIDS)
- (i) Death in whole or in part occasioned by criminal means
- (j) Death associated with a known or alleged rape or crime against nature
- (k) Deaths in prison or while under sentence
- (l) Deaths known or suspected as due to contagious disease and constituting a public hazard
- (m) Deaths from occupational disease or occupational hazards
- (n) Deaths of patient in state mental hospitals serving the mentally disabled and operated by the State Department of Mental Health
- (o) Deaths of patients in state hospitals serving the developmentally disabled and operated by the State Department of Developmental Services
- (p) Deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by criminal activity of another

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### *Coroner's Procedure Manual*

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- (q) Any death reported by a physician or other persons having knowledge of death for inquiry by the coroner

Note: Per Government Code Section 27491.3, taking possession of the personal effects, valuables, and property of the deceased at the scene of the death is discretionary.

#### **1100.3 JURISDICTION - INCORPORATED AREAS**

There will be instances where the responsibilities of the Sheriff-Coroner are required within the incorporated areas of the county simultaneously. Generally, the deputy assigned will perform the obligations and functions of a deputy coroner, and only as a deputy coroner in the incorporated areas of the county.

#### **1100.4 WORKING RELATIONSHIPS**

It is imperative that a good working relationship exists among all sheriff's divisions, law enforcement agencies, and other investigative agencies within the county. To accomplish this, a free exchange of information is strongly encouraged.

# Deaths Requiring Coroner's Inquiry / Signing Death Certificates

## 1101.1 PURPOSE AND SCOPE

The coroner's division shall investigate all deaths in accordance with Government Code §27491. This policy is intended to provide guidelines for the investigator as to the deaths requiring coroner's inquiry.

## 1101.2 POLICY

Government Code §27491

"It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of:"

- (a) All violent, sudden, or unusual deaths
- (b) Unattended deaths
- (c) Deaths wherein the decedent has not been attended by a physician or registered nurse who is a member of the hospice care interdisciplinary team within 20 days before death
- (d) Deaths related to or following known or suspected self-induced or criminal abortion
- (e) Known or suspected homicide, suicide, or accidental poisoning
- (f) Deaths known or suspected as resulting in whole or in part or related to accident or injury either old or recent.
- (g) Deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration
- (h) Sudden Infant Death Syndrome (SIDS)
- (i) Death in whole or in part occasioned by criminal means
- (j) Death associated with a known or alleged rape or crime against nature
- (k) Deaths in prison or while under sentence
- (l) Deaths known or suspected as due to contagious disease and constituting a public hazard
- (m) Deaths from occupational disease or occupational hazards
- (n) Deaths of patient in state mental hospitals serving the mentally disabled and operated by the State Department of Mental Health
- (o) Deaths of patients in state hospitals serving the developmentally disabled and operated by the State Department of Developmental Services
- (p) Deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by criminal activity of another
- (q) Any death reported by a physician or other persons having knowledge of death for inquiry by the coroner

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## Policy Manual

### *Deaths Requiring Coroner's Inquiry / Signing Death Certificates*

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"Inquiry pursuant to this section does not include those investigative functions usually performed by other law enforcement agencies.

"The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death."

"For the purpose of inquiry, the coroner shall have the right to exhume the body of a deceased person when necessary to discharge the responsibilities set forth in this section."

"Any funeral director, physician, or other person who has charge of a deceased person's body, when death occurred as a result of any of the causes or described in this section, shall immediately notify the coroner. Any person who does not notify the coroner as required by this section is guilty of a misdemeanor."

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## Notification To Other Law Enforcement Agencies

### 1102.1 PURPOSE AND SCOPE

When another agency has jurisdiction for any criminal action related to a death investigated by this office, the deputy coroner shall notify that agency in a timely manner. This policy seeks to set a standard procedure for notification to other law enforcement agencies.

### 1102.2 NOTIFICATION OF OTHER AGENCIES

In all cases in which a person has died under such circumstances as to afford a reasonable ground to suspect that the person's death has been occasioned by the act of another by criminal means, the coroner, upon determining that such reasonable grounds exist, shall immediately notify the law enforcement agency having jurisdiction over the criminal investigation. Notification shall be made by the most direct communication available. The report shall state the name of the deceased person, if known, the location of the remains, and all other information received by the coroner relating to the death. (Government Code §27491.1)

In all cases within incorporated city limits or where there are police departments or traffic divisions, such as the California Highway Patrol, whether the injury and death occurred in this county or injury occurred in another county or state and expiration occurred in Nevada County, notify the respective law enforcement agency in whose jurisdiction the injury occurred as soon as possible in order that they can investigate the death for their own department.

In instances in which a law enforcement agency investigates an injury or illness and the victim expires in this county at a later date and time, that agency is to be notified immediately of the expiration.

If the expiration is due to natural causes and occurs in a hospital after the victim had been admitted to that institution, and if there has been no previous investigation by any agency into the matter at hand, it is not necessary to notify these law enforcement agencies.

It is necessary to notify these law enforcement agencies of all deaths outside any hospital in order that they may investigate at the scene. In hospital deaths involving homicides, suicides, and accidental causes, the respective police department must be notified immediately in order to conduct their investigation at the scene if necessary.

### 1102.3 HOMICIDES AND QUESTIONABLE CASES

Inside City Limits:

- (a) Notify the police department
- (b) Notify the on-duty patrol sergeant.
- (c) Do not collect evidence. The police agency having jurisdiction will collect the criminal evidence. Obtain a receipt for any of the decedent's personal property, weapons, et cetera, that are taken by the police department.

Outside City Limits:

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## Policy Manual

### *Notification To Other Law Enforcement Agencies*

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- (a) Notify the on-duty patrol sergeant who will notify the lieutenant in charge of Investigations.
- (b) Evidence will be handled by the officer in charge of the criminal investigation at scene.

## Estimating Time Of Death And Signs Of Death

### 1103.1 PURPOSE AND SCOPE

To provide the deputy coroner with information basic to understanding the signs of death and estimating the time of death.

### 1103.2 ESTIMATING TIME OF DEATH

Whenever a dead body is subject to a coroner's investigation, one of the things the coroner is required to do by statute is to state the date and time of death. This is one area that, in most cases, requires an efficient on-scene investigation. An examination of the body and an inquiry is required by the investigating deputy coroner. This information is necessary in order to establish a *corpus delicti*, to place a suspect at the scene at a given time, and to corroborate or to disprove an alibi; but there could be serious rights of the deceased or his estate violated by loss of death benefits or benefits not entitled to the estate as to insurance and inheritance. Should an improper investigation occur, the coroner could be civilly liable.

In the absence of an eye-witness to the actual death, the investigator may estimate the approximate time of death by interpreting the physical evidence found in or about the scene, and by inspecting the body for various physiological changes that normally occur after death. However, it is important for the investigator to recognize that findings obtained in this manner only indicate the approximate time of death. One must therefore regard one's deductions as investigative aids.

### 1103.3 PHYSICAL EVIDENCE AND INQUIRIES

The examination of the death scene, coupled with inquiries regarding the habits of the deceased and of particular events occurring prior to and after the time of death, usually provides one of the more accurate methods of estimating the time of death. Typical of the physical evidence that may be used to estimate the period of time that has elapsed between the occurrence of death and the discovery of the body is as follows:

- (a) A broken wristwatch stopped at a particular time;
- (b) The accumulation of mail and/or newspapers;
- (c) The presence of food on the table, or a meal in the process of preparation;
- (d) Bills, letters, or other dated correspondence found on the body;
- (e) Whether the lights are turned on or off

The absence of some evidence may also be as significant as its presence.

A friend, relative, and/or neighbor familiar with the personal habits of the deceased may be of assistance. Thus, the omission of certain acts that were part of a daily routine may indicate the death occurred before the performance of these activities:

- (a) Failure to answer the telephone, doorbell, or to visit a friend;
- (b) Window shades or blinds drawn in the daytime;

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### *Estimating Time Of Death And Signs Of Death*

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- (c) Lights left burning after a particular hour;
- (d) Unexplained absence from work, the club, favorite bar, or other gathering;
- (e) Not seen taking a customary walk or leaving or returning from work at the usual time

The above are all examples of the type of information that may be supplied by someone familiar with the habits of the deceased.

Articles foreign to the death scene, or that are associated with a particular time will also help the investigator estimate the time of death.

For example:

- (a) Mud or water stains on the floor;
- (b) The absence of footprints in the snow or on a rain-saturated ground;
- (c) Dry ground under a body discovered during, or immediately following, a severe rain or heavy snowfall

Witnesses may also be interviewed to determine the time the victim was last seen alive.

Experienced investigators have found the answers to such inquiries must be carefully weighed due to the inability of some persons to completely recall past events or to estimate time; but when this information is sustained by physical evidence and the findings of the pathologist, the investigating officer can validly estimate the time of death.

#### **1103.4 SIGNS OF DEATH**

Death is described as follows in the Uniform Determination of Death Act:

An individual who has sustained either:

- (a) Irreversible cessation of circulatory and respiratory functions, or
- (b) Irreversible cessation of all functions of the entire brain, including the brain stem, is dead.

Death is said to occur when the vital functions of breathing and circulation cease, and are accompanied by a combination of observable changes in body tissue, muscular flaccidity, changes in the skin or eyes, coldness of the body, post-mortem lividity, rigor mortis, and putrefaction. The extent and intensity of these physiological changes serve as a measure to estimate the approximate time of death.

##### **1103.4.1 BODY CHANGES**

- (a) A dead body will usually have a general pallor to the skin.
- (b) The normal reddish color of the lips and nails disappear as soon as circulation stops or is deficient.
- (c) There is a general relaxing of the muscles (flaccidity) causing the body to conform to the contour of the surface upon which it lies.

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### *Estimating Time Of Death And Signs Of Death*

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- (d) There is pronounced limpness to the extremities. When the body is moved, the head has a tendency to dangle leading the inexperienced to believe that the neck is broken.
- (e) Muscle control of the bladder and bowels disappears and the contents may escape from the body.
- (f) Cutis anserine, or goose pimples, are formed on the skin. This condition is more pronounced on bodies removed from water or cool places. This condition usually remains for about 24 hours, but has also been known to persist for days.

#### 1103.4.2 CHANGES IN THE EYES

- (a) The eyelids remain open if they are separated.
- (b) The pupils may become irregular in shape and unequal in size due to the loss of muscular control.
- (c) The eyes also reflect the general loss of body moisture that accompanies death. If the eyelids are open, the drying of the eye surface becomes more pronounced and is distinguished by a thin opaque film over the eyeballs. This is usually observable within an hour after death depending upon the moisture in the atmosphere.
- (d) The eyeballs lose their firmness and tend to sink into their sockets. Later, the white of the eye after drying becomes yellowish or reddish-brown in color.

#### 1103.4.3 BODY TEMPERATURE

- (a) Loss of body heat need not occur after death as the dead body tends to assume the environmental temperature; but as heat is exchanged from the surface of the skin to the environment, it may generally be stated that body temperature will be lower after death. Normally, a body will feel cold to the touch eight to 12 hours after death, and will generally attain the temperature of the surrounding air after approximately 24 hours.
- (b) The rate of body heat loss will depend upon several factors:
  1. Environmental Factors: The greater the difference between body temperature and the environment (air or water temperature), the faster the heat loss from the body. Thus, the rate of body heat loss is slower when the temperature of the body nears the environmental temperature. The intensity and quality of air movement and the temperatures of the surfaces touching the body will also affect the rate of body heat loss.
  2. The Temperature of the Body Before Death: Deaths resulting from strokes, brain injury, strangulation, or sunstroke, are usually preceded by a brief rise of body temperature. This condition will affect the rate of body cooling and the determination of the time death occurred.
  3. Insulation of and over the Body: Body fat, the amount of flesh covering the body, or the amount of clothing worn at the time of death will affect the rate of temperature change after death.

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### *Estimating Time Of Death And Signs Of Death*

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#### 1103.4.4 CHECK THE BODY TEMPERATURE

The temperature of a dead body should be noted even though a number of variables affect the rate of body heat loss after death. Usually, touching the neck area or under the armpits will determine if the body is still warm. If the body feels warm, it may indicate death occurred within a matter of hours. Whereas, a cold, clammy body, found indoors at room temperature, may have been dead for at least 24 hours.

#### 1103.4.5 POSTMORTEM LIVIDITY

When death occurs and the heart ceases to function, the blood, as a result of gravity, settles in the lowest portions of the body. A purplish discoloration known as a lividity stain appears on the skin of the body areas nearest to the surfaces on which the body is lying. However, Lividity will not appear on the portion of the body in firm contact with the floor, or on a supporting surface as the blood vessels in these areas are compressed and prevent blood from entering and staining the body tissue. Those portions of the body compressed by a constricting object, such as a noose or tight clothing, will also be free of lividity stains.

Although the lividity stains are normally reddish-blue (purple) in color, one may find, in some types of death, the discoloration will be of a different hue. In cases of carbon monoxide and cyanide poisoning, the lividity stains are light red in color. Whereas, in deaths caused by potassium chlorate poisoning, the lividity stains are light brown in color. Lividity stains retain their color until the onset of putrefaction, at which time they will appear brownish in color.

- (a) Postmortem lividity may appear as early as one-half hour after death and become highly pronounced after four hours. After lividity is fully developed and the blood has clotted, the staining of the tissue will remain even though the position of the body may be changed. Thus, if a body is found with lividity marks on the upper surface, it is reasonable to assume the body has been moved after death.
- (b) On the other hand, if the body is moved when the blood is still fluid, the marks will change. A change in the body's position within a period of approximately three to four hours after death may cause the original livid stains to partially disappear and new ones to be formed. After 12 hours, new livid stains will not be produced; the old marks will remain if the body is moved and its position changed.

#### 1103.4.6 LIVIDITY OR BRUISE

An inexperienced officer might confuse a bruise to represent a lividity stain; the difference between these two marks may be determined in the following manner:

- (a) A bruise may have a swelling or abrasion whereas lividity does not.
- (b) The coloring of bruises may vary (black, blue, yellowish-green, et cetera) whereas livid stains remain uniform.
- (c) Bruises may appear on numerous parts of the body while lividity only appears on the lower parts of the body unless, of course the body was moved before the blood had completely clotted.

If the differentiation cannot be made at the scene, an autopsy will provide positive answers.

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#### 1103.4.7 RIGOR MORTIS

Chemical changes occur within the body when the vital functions cease. Initially the muscle tissue loses its firmness and becomes soft and pliable. This general muscular relaxation (flaccidity) prevails until rigor mortis sets in. Rigor Mortis is a general stiffening of the body caused by a breakdown of enzymes and the accumulation of acid in the muscle tissue. This condition may be noticed three to six hours after death and will persist for approximately 12 hours after full development.

Numerous factors affect the initial appearance of rigor mortis, the rapidity in which it spreads, and the length of time it remains. Postmortem rigidity is more likely to appear more rapidly and be pronounced when death is caused by either of the following:

- (a) Injury to the central nervous system, heat stroke, lightning, carbon monoxide or strychnine poisoning, and burning. Extreme muscular exertion immediately before death will hasten the setting of rigor mortis in those muscle groups that were used.
- (b) The development of rigidity is also rapid in the bodies of children and weakened or emaciated persons; it is retarded in heavily muscled body. Lower temperature will accelerate the development of rigor mortis, but on the other hand, it retards its disappearance. In situations that may be termed "average" (normal room temperature of 60-70 degrees Fahrenheit), medium body build, and when the victim was engaged in little or no activity at the time of death, rigidity may be initially observed in about four hours, and will develop throughout the whole body in approximately ten hours.
- (c) Rigidity gradually spreads throughout the body beginning in the facial muscles (jaw in three to four hours). It then extends to the neck, fingers, wrists, elbows, shoulders, knees, hip, and finally the abdomen. It then recedes in the same order as it appeared. Bodies of emaciated persons and infants will show relatively rapid loss of rigidity. Usually the traces of rigor mortis disappear after 24 hours; the body once again becomes relaxed and will remain in this relaxed state until frozen or embalmed.

#### 1103.4.8 CADAVERIC SPASM

In those deaths marked by severe injury to the central nervous system or emotional and muscular tension, an immediate stiffening of the arms or hands may occur at the time of death. This condition, known as cadaveric spasm, may be confused with rigor mortis; however, the experienced investigator knows rigidity caused by rigor mortis would be present in the jaw and neck muscles.

#### 1103.4.9 PUTREFACTION

The decomposition of a body occurs at various times in the interval following death. Its appearance will vary with the type of decomposition and environmental factors.

During life, the bacterial activity within the body is kept under control. At death, these controls disappear and putrefaction may start and progress, usually in the intestinal tract or on diseased portions of the body. The rate of putrefaction is primarily determined by the environmental temperature. The warmer the surroundings, the more rapid the putrefaction.

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The first signs of decomposition usually appear in the lower abdomen and external genitals as a greenish discoloration. As the process advances, the skin darkens to the point it is difficult to determine the original color of the decedent's skin.

In the early stages, putrefaction will progress more rapidly in the areas where lividity is present. Surface blood vessels appear as greenish-brown streaks. Bacterial action produces a gas that causes swelling while an unpleasant odor becomes noticeable. Liquid and gas blisters appear on the skin and gradually turn black. The stomach contents may be forced up through the mouth and the fetal sac may drop from a pregnant uterus.

Due to the many variables affecting the rate of putrefaction, it is extremely difficult to estimate the time of death from the state of putrefaction. However, bodies found in water will show certain changes, which under certain conditions, may help the investigator. If the water is slightly warm, these conditions may be observed:

- (a) 2 to 4 hours – skin of fingers and toes nearly white or wrinkled;
- (b) 24 to 48 hours – this change spreads to the hands and soles of the feet
- (c) 1 week – outer layer of skin separates from the deeper layer;
- (d) 2 to 3 weeks – the skin and nails separate from the body.

## Hospital Deaths

### 1104.1 PURPOSE AND SCOPE

To provide the deputy coroner with general guidelines in the handling of reportable deaths within the hospital setting.

### 1104.2 REPORTING

Hospital deaths coming under the jurisdiction of the coroner are typically reported by a physician or nursing supervisor. All hospital medical staff personnel should be aware of the types of cases that are reportable to the coroner. All personnel should have knowledge of the jurisdiction of the coroner and understand his or her duties and responsibilities.

### 1104.3 NORMAL RESPONSE AREAS

Typically, these deaths occur in intensive care, the emergency department, or in surgery. Under no circumstances is a body to be moved from the place of death without the authorization of the coroner (Government Code §27491.2). In all cases, tubes attached or inserted into the body will be left in place; they may be tied off for the purpose of transportation, but must be left undisturbed.

### 1104.4 PROCEDURE

In the case of deaths in the operating room (OR), the deputy coroner shall go to the place of death as soon as possible to conduct the preliminary on-scene investigation.

The most valuable record in the OR is the anesthesiology record maintained by every anesthesiologist and retained in the records of the operative procedure. The deputy should interview the surgeons, anesthesiologist, and the attending physician as applicable to determine the circumstances of death, and should obtain medical records for the pathologist and coroner's file.

Important questions to be answered include, but are not limited to, the following:

- (a) Start time and end time of procedure;
- (b) Pre-operative/post-operative diagnoses;
- (c) Usual risk involved with type of procedure (minimal, moderate, high);
- (d) Anesthesia type, dosages, and times;
- (e) Pre-existing conditions, pre-surgical risk factors, and medical history;
- (f) Blood/fluid volumes infused and exerted;
- (g) Prior surgeries and past complications;
- (h) Known allergies to medications.

Ask questions about any of the history or procedures of which you are not knowledgeable. The investigation of surgical death is among the most technical and potentially litigious type of medico-legal investigation undertaken by a deputy coroner. Be especially alert to reluctance on the part

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of physicians/surgeons and anesthesiologists involved; they may have their medical malpractice insurance expenses in mind.

Family members often react to the surgery death with anger and condemnation, and want the deputy coroner to be their advocate in proving medical malpractice. It is best to remember that the coroner is charged to act on behalf of the deceased without regard to the desires of the family or physician on the determination of cause of modality of death.

Many deaths in the hospital involve trauma cases covered under separate Coroner's Directives; however, the basic procedures still apply as to movement of the body, review of records, tubes and lines attached, and interview of physicians, nurses, and attendants.

Many hospital deaths involve persons who were not under a doctor's care prior to admission, were in the hospital less than 24 hours, or patients who were comatose throughout their period of hospitalization. Hospital deaths are to be evaluated on a case-by-case basis with a thorough review of records and interviews of attending physician(s) to enable the investigator to make a decision as to whether or not the physician will be allowed to initiate a death certificate.

If the family of the deceased has requested a certain mortuary in the event of death, hospital personnel should make this preference known to the investigating deputy, or he or she should make inquiry as to mortuary preference. In any case that falls under the jurisdiction of the coroner, no person shall make any arrangements for or order the removal of the body without the express consent of the coroner.

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# Residential Care And Convalescent Hospital Facilities

## 1105.1 PURPOSE AND SCOPE

To provide the deputy coroner with general guidelines in the handling of deaths within the residential care facility and convalescent hospital facilities.

## 1105.2 CONVALESCENT HOSPITAL FACILITIES

Convalescent hospitals have a 24 hour per day skilled nursing program. They care for ambulatory patients, the wheelchair confined, as well as bed ridden patients, and many of their patients are suffering from terminal illness. It should be noted some of these facilities permit waivers, signed by the patient or family, e.g., side rails on the bed, or wheelchair patients. Other facilities follow physician orders only and do not permit waivers.

### 1105.2.1 SUSPICIOUS OR UNUSUAL CIRCUMSTANCES SURROUNDING A DEATH IN A CONVALESCENT HOSPITAL

Pay attention to the medical charts. If for any reason patients in these facilities are transferred to an acute nursing hospital, they are discharged at the time of transfer and readmitted after returning to the facility at which time a new chart is started.

- (a) Why was the patient sent to an acute hospital?
- (b) Did an accident, such as a fall or suspected fracture, occur which required x-rays and possible surgery?
- (c) If there was a fall, where was the patient at the time? Time and date of fall?
- (d) Check doctors' orders and any waivers permitted at this facility.
- (e) Check nurses' notes for charting of the accident. Was the patient ambulatory? Was the accident witnessed? Was the floor wet, et cetera? Prior to the fall, were rails required on the bed? Was the patient usually in restraints?
- (f) Check medications, amount, and time dispensed. By whom? Are medications kept locked up?

Examine the body carefully for bruising and any signs of trauma bearing in mind that elderly people frequently have areas of ecchymosis and purpura, and if they have been inactive, decubitus ulcers may be present.

While conducting the investigation, the condition of the facility should be noted regarding cleanliness and its general appearance as well as the condition of the room, bedding, and especially the body. The body should be checked for cleanliness, appearance, and decubitus.

## Sudden Unexplained Infant Deaths

### 1106.1 PURPOSE AND SCOPE

To provide the investigator with general guidelines for the investigation of sudden unexpected infant death syndrome (SUIDS) cases. The expected incidence in the general population is two per one thousand live births.

### 1106.2 DEFINITIONS

Sudden unexplained infant death syndrome (SUIDS, crib death, or sudden, unexpected death in infancy) is an unpredictable, unpreventable sudden death of an otherwise healthy infant, usually between one and six months of age, in whom the complete post mortem examination fails to reveal a cause of death. It is, therefore, a cause of death based on the exclusion of other significant diseases and unnatural events. A history of a recent mild upper respiratory tract infection (cold, sniffles, congestion, et cetera) is frequently elicited. Death usually occurs silently during sleep.

### 1106.3 GENERAL

The deputy coroner plays a key role in the management of SIDS cases. He/she often has the initial contact with families shortly after a sudden infant death has occurred, and in some cases it would be the deputy coroner who, having knowledge of these cases, can prevent mishandling by the police or law enforcement agency that may be involved. It is also most important for the investigator to keep in mind that in addition to obtaining necessary information about the victim, he/she also has a responsibility to extend a warm helping hand to the family.

The sergeant in charge of investigations will be contacted on all infant deaths and an investigator from the Major Crimes Unit may respond along with the deputy coroner assigned to the case.

A Crisis Intervention Officer or chaplain may be requested to respond to the scene of any death of a child.

The Health Department is also to be contacted immediately, so the Public Health Nurse can contact the family soon after the death.

### 1106.4 INVESTIGATION PROTOCOL

The deputy coroner is mandated by Government Code §27491.41 to complete the "Death Scene and Deputy Coroner Investigation Protocol" (CDPH 4439) available through the California Department of Public Health. The completed form is to be turned in with the original coroner report. After completion, the CDPH 4439 report is to be sent to the California Department of Public Health Maternal, Child, and Adolescent Health Division.

[See attachment: SUIDS Scene Investigation Protocol.pdf](#)

Although completion of the above protocol does not exempt the deputy coroner from writing a complete coroner's report, much of the information from the protocol may be incorporated into the coroner's report. (Remember the coroner's report is public information, while the Death Scene Investigation Protocol is confidential.)

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Be certain to contact other relatives, friends, and especially the decedent's physician for statements and background information. A list of possible questions to consider during the investigation is attached below but is not intended to be a checklist for all reports.

[See attachment: SUIDS Questions.pdf](#)

#### **1106.5 X-RAYS**

In an effort to help eliminate intentional or accidental deaths, **all bodies of infants are to be given full-body x-rays.**

#### **1106.6 EXAMINATION OF THE BODY**

Having obtained this brief history, the body can next be examined for size of the child, state of nutrition, does the infant look sick or dehydrated, cleanliness, and old scars and any recent bruise, laceration, or abrasion.

#### **1106.7 EXAMINATION OF THE SLEEPING PLACE**

In most sudden infant deaths, the child is found unresponsive or obviously dead in his/her crib or sleeping place. If the infant has been taken from the home and the investigator has examined the body in the hospital, he/she should as soon as possible go to the home to examine where the infant was sleeping. All infants do not have cribs. Some share a bed with an adult. Some cribs are broken or poorly repaired, or have a mattress which does not fill the bottom of the crib. All these things are hazards and may be related to the infant's death, but might not be volunteered by the family and thus go undetected if the investigator did not go to the home. While there, he/she can also determine the state of cleanliness of the home and the care being given to the other children.

Try to obtain the facts while alleviating some of the family's anxieties. This is a difficult task, but then this is a very tragic death.

After the baby has been examined and no trauma or injuries found which might suggest child abuse, do not be surprised that the parents, especially the mother, may want to hold the baby. In the interests of the bereavement process, they should be allowed to do this.

#### **1106.8 POST MORTEM EXAMINATION OF THE BODY**

In all cases of suspected sudden infant death syndrome, a complete autopsy must be performed. This means that examination of the neck organs, pharynx, middle ears, and optic nerve are required in all cases where thoracic and abdominal organs and brain reveal no obvious cause of death. Blood, urine, and vitreous humor, as well as tissue sample for toxicology and histology, should also be obtained. Once the gross autopsy has been completed the Coroner is required to send the CDPH 4411 Coroner Notification Card to the California SIDS Program.

[See attachment: CDPH 4411.pdf](#)

## Fetal Deaths

### 1107.1 PURPOSE AND SCOPE

To provide the investigator with general guidelines for the deaths of fetuses having a gestational age equal to or greater than 20 weeks or having a weight of over 500 grams.

### 1107.2 GENERAL

Deaths of fetuses having a gestational age equal to or greater than 20 weeks or having a weight of over 500 grams may require investigation and certification by the coroner's division.

In most instances, the death of the immature fetus will be related to unknown or uncertain natural causes which result in intrauterine fetal death or preterm labor with the birth of a nonviable premature infant. Older fetuses (those born between 24 and 37 weeks gestational age) may fail to survive because of one or more complications related to prematurity.

### 1107.3 CONTRIBUTING CONDITIONS

The following is a list of conditions which may contribute to fetal death:

Maternal:

- (a) Prolonged pregnancy (>42 weeks)
- (b) Diabetes (poorly controlled)
- (c) Systemic lupus erythematosus
- (d) Antiphospholipid syndrome
- (e) Infection
- (f) Hypertension
- (g) Preeclampsia
- (h) Eclampsia
- (i) Hemoglobinopathy
- (j) Advanced maternal age
- (k) Rh Disease
- (l) Uterine rupture
- (m) Maternal trauma or death
- (n) Inherited thrombophilias

Fetal:

- (a) Multiple gestations
- (b) Intrauterine growth restriction
- (c) Congenital abnormality
- (d) Genetic abnormality

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### *Fetal Deaths*

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- (e) Infection (ie. Parvovirus B19, CMV, Listeria)

#### Placental

- (a) Cord accident
- (b) Abruptio
- (c) Premature rupture of membranes
- (d) Vasa previa
- (e) Fetomaternal hemorrhage
- (f) Placental insufficiency

#### Risk Factors

- (a) Advanced Maternal Age
- (b) History of fetal demise
- (c) Maternal infertility
- (d) History of small for gestational age infant
- (e) Obesity
- (f) Paternal age

#### **1107.4 INVESTIGATION**

**Be sure to obtain the placenta if possible.** The placenta may provide vital information for the pathologist; it is to be sent to the morgue with the fetus.

In all cases it is of critical importance for the investigator to exclude any significant bodily injury to the mother or fetus by traumatic or toxic means which might have contributed to the death or premature delivery of the fetus.

For obvious reasons, the mother may want to hide a self-induced or drug-induced fetal demise, whether intentional or not. She may also not think the vehicle accident she was in a week ago, or a recent fall she sustained was connected to this event.

Contact must be made with the mother's physician to determine if there were any known problems with this pregnancy and to obtain background information on the mother.

Contact must also be made with family and or friends to determine the mother's lifestyle and state of mind about this pregnancy.

#### **1107.5 POSTMORTEM EXAMINATION**

If an injury or toxic insult to the mother or fetus is believed to have contributed to death, an autopsy of the remains must be performed. Without any indication of such, an autopsy is unnecessary for the purpose of the coroner. An autopsy may be desirable to answer medical questions regarding issues of infection or congenital diseases which might be important to the family members or physicians involved. Such questions are best answered by postmortem examination and testing performed in the hospital by its pathology staff.

## Traffic Fatalities

### 1108.1 PURPOSE AND SCOPE

To provide the deputy coroner with sufficient basic information in the investigation of traffic fatalities.

### 1108.2 BODY AT THE SCENE

Respond as soon as possible. Drive within the speed limit unless otherwise directed.

Bodies and vehicles may need to be removed to clear the highway, reduce hazard, and to keep traffic moving. This is one time that a body may be moved prior to the arrival of the deputy coroner; however, the body should only be moved a minimal distance.

#### 1108.2.1 INVESTIGATION

The deputy coroner should first note his/her general observations upon arrival at the scene, i.e., location of vehicles, location of decedent, et cetera. Remember, this investigation is from the coroner standpoint, not the accident investigator.

Photograph the decedent and the scene showing relationship to the vehicle if possible.

#### 1108.2.2 FIRST RESPONDER'S STATEMENT

The report should contain a statement from the paramedic/person who first found the decedent. This should include the position in which the decedent was found and any intervention used.

#### 1108.2.3 ACCIDENT INVESTIGATORS STATEMENT

The deputy will contact the accident investigator and obtain a statement as to how the accident occurred, noting the position of the decedent in the accident (driver, passenger, pedestrian, motorcyclist, et cetera), and the location and time that the investigating officer is listing on his/her report. It is also very important to determine if seatbelts were in use.

#### 1108.2.4 MULTIPLE FATALITIES

A separate case number is to be given to each body, preferably starting with the driver. If bodies are still in the vehicle, tag them as they are removed, starting with the driver.

Note accurate clothing description for each victim. This may be essential in placing occupants later or making identification. If there is doubt as to whom was driving, be sure the shoes of the victims are secured and taken as evidence, either by the deputy coroner or the investigating officer. These may be helpful in determining who was the driver

The general narrative of the report may be written under the first case number, but each case needs a separate on-scene viewing, including a description of the individual's body position, condition, clothing, et cetera.

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#### 1108.2.5 INJURIES

List injuries to victims and, if possible, ascertain what portion of the vehicle caused the injury. Note the skid marks and other marks. Determine in your own mind what happened and what the direction of travel had been. Officers have been known to make mistakes.

#### 1108.2.6 PERSONAL PROPERTY AND SPECIAL NOTATIONS

Secure personal property from the decedent(s), vehicle(s), or investigating officer(s). Note where the property was found in the vehicle as a possible aid to identification. Note if an odor of an alcoholic beverage is present. Note what type and color of clothing was worn. Note whether or not seatbelts were being worn.

Ascertain time and location of the accident as it will appear on the investigating officer's report.

#### 1108.2.7 PRESENCE OF ALCOHOL/DRUGS

Be sure to check the decedent and the vehicle for any signs of alcohol, drug use, or paraphernalia. Further, check with the accident investigator to determine if any other victims in the vehicle are under suspicion of alcohol/drug use; note this in your report.

### **1108.3 BODY AT THE HOSPITAL**

Respond as soon as possible.

Follow the steps listed under "Hospital Deaths" in this manual with special attention to the following:

- (a) Obtain from the lab any blood and/or urine taken on admittance.
- (b) Obtain the EMS transport sheet.
- (c) Make a clothing inventory and description for each decedent if there are multiple deaths.

Make a positive identification of the victim(s) prior to attempting notification of next-of-kin.

Contact the investigating officer/agency to advise them of the death. Also, obtain the following:

- (a) Details of accident, time of accident, exact location where it happened and where the vehicle is stored.
- (b) Ascertain position of victim(s) in the vehicle. If possible, view the scene and the vehicles involved.
- (c) Was the decedent wearing a seatbelt?

### **1108.4 FOLLOW-UP**

Some background information will be of value if available: Where the victims were coming from, where they were going, and/or how long they had been on the road.

Mental and emotional condition will be helpful in differentiating a possible suicide vs. homicide vs. accident.

## Aspiration Of Food

### 1109.1 PURPOSE AND SCOPE

To provide the investigator with special information and set standard procedures for the handling of aspiration of food deaths.

### 1109.2 PULMONARY ASPIRATION

Pulmonary aspiration is the aspiration of food or inhaling of food. These deaths are most common in mental institutions. Persons who suddenly leave the dining table and collapse, either on their way out of the room or on the way to the bathroom, may have aspirated food. Children have been known to die as a result of this after falling or tripping with their mouth full. \*These may not always be accidental coroner cases, rather a natural process, i.e., Alzheimer's patients, senile dementia, pneumonia, neurological diseases, et cetera.

#### 1109.2.1 QUESTIONS THE DEPUTY CORONER MUST ASK

- (a) Did the death occur while eating or shortly afterward?
- (b) Did the decedent consume any alcohol? If so, how much?
- (c) Was the decedent taking any medication?
- (d) Was the death or collapse witnessed? Where?
- (e) Did the collapse come suddenly without any complaint?
- (f) What type of food was involved?
- (g) Is there any history of neurological disease?
- (h) Is there any history of mental retardation or schizophrenia?
- (i) Is there any history of epilepsy?

#### 1109.2.2 SPECIAL NOTIFICATION TO THE PATHOLOGIST

The decedent's physical description may or may not reveal significant findings. In any event, if asphyxia by aspiration is suspected, the pathologist should be advised and an autopsy ordered.

## Aircraft Accidents

### 1110.1 PURPOSE AND SCOPE

To set standard procedures and provide the investigator with basic information necessary for proper investigation of deaths in aircraft accidents.

### 1110.2 AIRCRAFT ACCIDENTS

The investigation of aircraft accidents entails the cooperation and coordination of several government agencies. When the report of an aircraft accident is received, the investigator will ensure the National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA) have been notified--This will be done prior to responding to the scene. In the case of a military aircraft accident, the appropriate military agency shall be notified and will handle the investigation.

#### 1110.2.1 SPECIFIC PROCEDURES

During the on-site investigation, certain details should be noted and certain procedures should be carried out by the investigator. If possible, note the number on the tail section of the aircraft.

Prior to removal of the deceased, photograph the overall scene, the body(s) and their location(s). Pictures of the cockpit and instrument panel should be taken with emphasis on the throttle and its position.

The deceased must be tagged prior to removal from the aircraft. Seatbelt positions should be noted for each of the deceased. Clothing descriptions should be noted for each victim.

- (a) The aircraft logbook should be located and taken into evidence. The logbook may be an application on a digital tablet.
- (b) Any personal property found in the aircraft should be tagged and its location in the aircraft noted.
- (c) Note the aircraft number, the airport of flight origin, and the destination in the report. The pilot's license number, type, and number of hours of pilot experience will be made a part of the report.
- (d) The flight plan and logbook are coroner's property.

Fingerprints will be taken on all victims of air crashes.

The pilot's wrists or arms may be broken (seldom passengers).

Protect the death scene until daylight prior to removing remains (if bodies are fragmented).

#### 1110.2.2 REPORT CONTENTS

Include all of the above items in addition to:

- (a) A brief description of the terrain (mountains, flat land, tree-covered, et cetera).
- (b) Description of the weather conditions.
- (c) Lighting conditions (bright daylight, dawn, dusk, dark, et cetera).

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- (d) Whether aircraft was landing, taking off, between destinations, et cetera.
- (e) Description of aircraft:
  - 1. Single-engine, multi-engine, non-engine, et cetera.
  - 2. Propellers, jet glider, et cetera.
  - 3. Make, model, and serial number.
  - 4. Aircraft owner
  - 5. Are maintenance schedules available?
- (f) Was there evidence of defect or malfunction?

#### 1110.2.3 MAJOR AIRCRAFT DISASTERS

Nevada County Office of Emergency Services (OES) and the Sheriff-Coroner will work together with other agencies under the County Emergency Operations Plan to handle any major aircraft accidents/disasters.

## Occupational Deaths

### 1111.1 PURPOSE AND SCOPE

To provide the investigator with special guidelines, cross references, and set standard procedures in the investigation of possible occupational deaths.

### 1111.2 OCCUPATIONAL DEATHS

OSHA (The Occupational Safety and Health Administration) shall be notified in all occupational deaths.

In the investigation of deaths that occur as the result of an occupational incident, the investigator has to be most diligent and extremely thorough. Since occupational deaths can and do encompass all types of occupations, the investigator must be most extensive in his/her interviews of the deceased's employer and fellow workers.

### 1111.3 REPORT CONTENTS

Describe the general scene:

- (a) Where was the decedent found in reference to any equipment in the area?
- (b) Describe the equipment, if any.
- (c) Obtain identification of the vehicle/equipment, including make, model, serial number. OSHA may require the equipment /vehicle be taken for evidence or safekeeping and stored for their examination.

#### 1111.3.1 BODY LOCATION

- (a) Where was the decedent found in reference to any equipment in the area?
- (b) Describe the body's exact location when originally found.
- (c) Time the incident occurred.

#### 1111.3.2 SAFETY CONCERNS

- (a) How long was the deceased doing that particular job? Was formal training required to do the job? If so, where was the training received?
- (b) Were safety precautions posted in or around the machinery or equipment?
- (c) Is there any indication that the safety precautions were observed?
- (d) Is there any indication that the safety equipment was defective?
- (e) Has the work area changed in any way?
- (f) Has a similar incident or "close call" happened in the past?
- (g) Every occupation has its own hazards and stresses. Familiarize yourself with some of these hazards, and include your findings in the report.

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#### 1111.3.3 CLOTHING

- (a) Is special clothing or safety equipment required for the job? If so, was the deceased complying with regulations? Was the safety equipment furnished by the employer?
- (b) What safety gear is generally required in working around this particular equipment or machinery?

#### 1111.3.4 ACTIVITIES

- (a) What was the decedent supposed to be doing at the time?
- (b) Describe exactly what the decedent was doing at the time of the accident.
- (c) Were the decedent's actions keeping with safe procedures prior to the accident?
- (d) Was the incident observed? Do witness accounts reveal information consistent with the findings?
- (e) Was anyone else in the area injured or sick?

#### 1111.3.5 DECEDENT'S WORK HISTORY

- (a) Length of time employed by the company
- (b) Was the deceased classified as a good employee?
- (c) Time on the job that day, and the time the deceased reported to work?

#### 1111.3.6 WITNESS INFORMATION

- (a) Obtain the name of the company, the owner, the foreman, the immediate supervisor, and any and all witnesses to the incident.
- (b) Did anyone smell alcohol on or about the decedent prior to the accident?
- (c) Did anyone note the decedent using prescription or illicit drugs prior to the incident?

#### **1111.4 PHOTOGRAPHS**

Photograph the scene and the decedent **prior** to moving the body. It cannot be stressed enough that ample pictures must be taken from all angles, including the entire scene.

## Deaths By Conflagration

### 1112.1 PURPOSE AND SCOPE

It is the policy of the Nevada County Sheriff's Office to investigate all deaths resulting from fire or from the by products of fire. The goal of this policy is to assist the deputy sheriff with a standard protocol in the handling of all deaths by conflagration.

### 1112.2 DEATHS BY CONFLAGRATION

When the investigator is called to the scene of a death that is the direct result or apparent result of a fire, certain factors and information should be ascertained. Cooperation with the fire department at the scene is essential; and the investigator should work closely with the arson investigator.

#### 1112.2.1 REPORT CONTENTS

Certain information should be contained in the investigative report. Some of those points are:

- (a) Position of the bodies at the scene?
- (b) What type of a structure? Which room, closet, porch, yard, et cetera?
- (c) Degree of burn on the body; percentage of burns on the body.
- (d) Origin of the fire.
- (e) Arson? Suicide? Homicide? Accident?
- (f) Structural damage.
- (g) Witnesses and their statements.
- (h) Deceased's activity prior to the fire: Party, senility, mental state, et cetera.
- (i) Were fire alarms in the structure? Were they working?

#### 1112.2.2 INVESTIGATION OF FATAL FIRES

Prior to removal of the deceased from the scene, the decedent will be properly tagged with name, if known, and the location of the body at the fire scene.

Pictures of the scene and body locations will be taken by the investigator prior to the removal of the deceased. Careful attention should be made, when the body or bodies are moved, for personal property or indications of clothing that may be under the remains. Document all jewelry found on the deceased. No jewelry should be removed by the investigator at the scene; this will be done by the pathologist at the autopsy.

In order to help determine if there are any gunshot wounds, especially in unwitnessed cases, charred burn victims are to be x-rayed at the morgue prior to autopsy.

The fire cause and the cause of death cannot be separated in the investigation of the fatal fire. The deceased is as much a fire cause indicator as is the fire area or area of origin. The investigation of the cause of the fire MUST also include the postmortem examination of the deceased. Until the cause of death is established at the postmortem examination, the cause of the fire cannot

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be absolutely established. This may change in large fires with many deaths in areas away from the area of origin.

The investigation needs to be centered around both the area of origin, and the area of the deceased. The location of the deceased in relation to the area of origin needs to be precisely established and must make sense. The victim may not be at the area of origin. The elapsed time of the fire will often dictate movement away from the area of the fire into an area which might have afforded some protection. When the victim is found at a distance from the fire, it is extremely critical to note the position of the victim and the reason for the victim to be in that position.

In most cases, the cause of death in the fire death will be inhalation of the byproducts of combustion. This is due to the affinity of the red blood cells for absorbing carbon monoxide approximately 200 times more than oxygen. The establishment of the level of carbon monoxide in the victim is done at the time of the postmortem examination in which blood is collected and examined in the laboratory for the level of carbon monoxide in the red blood cells. This is expressed in the laboratory analysis as the percentage of carboxyhemoglobin.

If the victim was breathing super-heated air or flame, the throat may have spasmed, shutting off the air supply to the lungs. This process may provide a relatively low carbon monoxide level in the bloodstream. In this case, the investigator who understands the fire and the victim's location in relation to the fire needs to have knowledge of the amount of searing in the breathing passages of the victim. If searing is severe in the breathing passages, the victim may have died of suffocation, and carboxyhemoglobin may be lower than anticipated.

The deputy coroner with his/her knowledge of the fire should be available for questions at the postmortem examination regarding heat and fire damage to the deceased. These questions not only would include the exterior surfaces of the deceased, but the breathing passages. The investigator can also be of assistance in determining the exterior burn damage of the victim as it relates to the spread of the fire.

## Poisoning Deaths

### 1113.1 PURPOSE AND SCOPE

To provide the investigator with a basic understanding of the signs of poisoning and the procedures to be followed in investigating poisoning deaths.

### 1113.2 DETERMINING WHETHER DEATH OR ILLNESS IS DUE TO POISONING

One must remember that the symptoms preceding death, as well as the external appearances of the body, are of great importance. Many poisons will produce some similar symptoms, but when the outstanding symptom is one of those indicated below, there are definite poisons to look for first. These are classified as follows:

#### 1113.2.1 EXTERNAL APPEARANCES AFTER DEATH

- (a) Livid cherry red color of large areas: carbon monoxide, cyanide;
- (b) Face and neck very dark: strychnine, hypnotics, aniline;
- (c) Pupils contracted: opiates;
- (d) Pupils dilated: atropine, hyoscyamine, scopolamine;
- (e) Emaciation: metals;
- (f) Burns about the mouth and nose: strong mineral acids and alkali;
- (g) Characteristic odors:
  - 1. Phenols: carbolic acid
  - 2. Peach pits: cyanides
  - 3. Garlic: oxalic acid
  - 4. Phosphorus

#### 1113.2.2 SYMPTOMS PRECEDING DEATH

- (a) Convulsions: strychnine, nicotine;
- (b) Delirium: atropine, hyoscyamine;
- (c) Extreme drowsiness: opiates, hypnotics;
- (d) Extreme rapidity of death: cyanide, strychnine, nicotine;
- (e) Long delayed death: metals;
- (f) Abdominal pains: metals, food poisoning;
- (g) Diarrhea: metals, food poisoning;
- (h) Vomiting: metals, food poisoning;
- (i) Burning of mouth: corrosives, mercury, arsenic.

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#### 1113.2.3 INTENTIONAL POISONING MAY BE SUSPECTED IF:

- (a) Nearby persons attempt to hurry embalming, hurry funeral, cremate, body, falsify death certificate;
- (b) Sudden death of healthy individual;
- (c) Death apparently due to unknown causes.

#### **1113.3 GUIDE FOR INVESTIGATING A POISONING**

##### 1113.3.1 WITNESSES

Witnesses should be questioned to develop information regarding the poisoning and should be investigated to determine if they participated in the poisoning. Witnesses may include:

- (a) Persons who witnessed the act of poisoning;
- (b) Persons who have knowledge of a suspect's utterances or actions that would tend to establish a motive for the crime;
- (c) Persons who have knowledge of the victim's consumption of food or drink within the period of time he/she probably received the poison;
- (d) Persons who sold the victim or suspects drugs or medicines;
- (e) Persons who have knowledge of the victim's movements prior to the time he/she was stricken;
- (f) Persons familiar with the victim's habits, particularly his/her eating and drinking habits, use of drugs and medicines, self-medication attempts;
- (g) Persons familiar with the victim's financial status, family background, and social life.

##### 1113.3.2 ESSENTIAL INFORMATION

The investigator should try to obtain answers to the following from witnesses:

- (a) Where was the victim when the symptoms first appeared?
- (b) What were the symptoms?
- (c) Did someone intentionally give the victim poison?
- (d) Did the victim administer the poison himself/herself? If so, was the poisoning accidental or intentional? What was his/her reason? Had the victim ever contemplated suicide or attempted it?
- (e) Who summoned assistance? When? By what means?
- (f) With whom did he/she associate prior to the appearance of the symptoms, what did the victim do?
- (g) What and where did the victim eat or drink prior to the appearance of the symptoms? Did the victim request food and beverages, or was it offered/urged upon him/her? Who prepared and served it?
- (h) Did the victim notice anything peculiar about the food/beverages? Was he/she in the habit of eating the food/beverage in question?

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- (i) Did the victim eat/drink anything after the symptoms first appeared?
- (j) Was the victim in the habit of drinking any form of alcohol not intended for drinking purposes?
- (k) Did the victim take any medicines prior to the appearance of the symptoms? Was the medicine prescribed by a doctor? Was it given to him/her by other than a physician or pharmacist? Where is the medicine container? Did the victim habitually take any medicine? Was he/she addicted to any drug?
- (l) Was the victim unhappy/depressed recently? Was he/she angry or jealous of anyone?
- (m) Did the victim have money on his/her person prior to the symptoms? Does the victim still have that money in his/her possession? What was the condition of the victim's estate? Did he/she owe large sums of money?
- (n) Who would inherit the victim's estate? Has that person lost money recently? Does the victim handle money in his/her occupation? Did the victim have any recent difficulties with regard to his/her occupation/employment? Did anyone ever accuse him/her of misconduct or criminal actions?
- (o) Did the victim have any recent difficulties with regard to his/her occupation/employment? Did anyone ever accuse him/her of misconduct or criminal actions?
- (p) Was anyone jealous of the victim because of his/her position? Will anyone benefit from the victim's death through promotion?
- (q) Did the victim recently receive any threatening letters or communications? How were they disposed of? Who sent them? If they were anonymous, who had a motive for sending them or possessed the information on which they were based?
- (r) Did the victim write any letters recently? To whom? What was the subject matter of the letters?

#### 1113.3.3 THE AUTOPSY MAY DISCLOSE

- (a) The time of death;
- (b) The affected organ that was the direct cause of death;
- (c) The specific poison that caused the death (the identification and analysis of the poison may be performed by a toxicologist after the autopsy);
- (d) The approximate time the poison was taken;
- (e) The food or beverage that contained the poison (this may not be possible if death is several days after taking the poison);
- (f) The approximate time of death if the victim died before medical/public authorities could reach him/her;
- (g) A disease or accident that may have caused death;
- (h) Suicide victims may be surprised by the slowness of death (by poison) and kill themselves by other means.

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#### 1113.3.4 INVESTIGATION OF THE ACTIVITIES OF THE VICTIM

An investigation should be made of the activities of the victim during the period prior to the poisoning.

#### 1113.3.5 ASCERTAINING THE SOURCE OF THE POISON

Determining the source of the poison may furnish valuable investigative leads. Some possible sources that should not be overlooked are:

- (a) Hospitals, dispensaries, laboratories, and pharmacies;
- (b) Offices, homes, and grocery stores (these may contain poisonous cleaning substances, rodent or insect poisons, and medicines that may be toxic if improperly used).
- (c) Depots, warehouses, storage areas, farms, and similar areas where rodent/insect poisons may be kept;
- (d) Filling stations, garages, and other places where fuels with alcohol bases may be found;
- (e) Establishments where cleaning/solvent compound poisons are kept or used;
- (f) Illicit narcotic channels;
- (g) Dealers in bad liquor.

#### 1113.3.6 COLLECTION OF PHYSICAL EVIDENCE

There are usually few witnesses to a poisoning; therefore, physical evidence is of vital importance. It is absolutely necessary that physical evidence be taken into custody in a legal manner, properly marked for identification, and safeguarded by a complete chain of custody covering every person who has such evidence in his/her possession from the time of the seizure until it is presented in court. In addition to the usual forms of physical evidence, the investigator or crime scene technician should obtain when possible:

- (a) Remains of food or drink last taken;
- (b) Drugs, medicines, narcotics, or chemicals in the home of the victim;
- (c) Glasses, bottles, spoons, et cetera from which the victim may have ingested a substance;
- (d) Vomit, urine, feces, et cetera. the victim may have ingested a substance;d.Vomit, urine, feces, et cetera.

#### 1113.3.7 COOPERATION BETWEEN POLICE AND MEDICAL INVESTIGATORS

It is especially important that police and medical investigators work closely together starting from the examination at the scene of the crime of the deceased. The usual notes/sketches/photographs should be made. The pathologist will usually remove and seal in clean glass jars without the addition of any preservative:

- (a) The stomach and its contents
- (b) All or a good sample of liver

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- (c) Blood (at least 25 – 50 ml);
- (d) Both kidneys;
- (e) All or part of the brain;
- (f) Contents of intestines.

## Overdose Deaths

### 1114.1 PURPOSE AND SCOPE

To provide the investigator with basic guidelines in the investigation of deaths due to overdose of drugs.

### 1114.2 OVERDOSE DEATHS

In deaths relating to drug overdose or suspected overdose, it is very important to ascertain the type of drug or suspected drug involved. There are a number of important facts which should be ascertained by the investigator when dealing with drug-related deaths. These questions can usually be answered by family members keeping in mind that those close to the decedent may want to cover any drug use or abuse. You may consider checking with the decedent's physician, and in some instances, law enforcement officials.

- (a) Was the decedent a known drug or narcotic user?
- (b) How long was he/she a user?
- (c) To what extent (quantity)?
- (d) Type of drug or narcotic?
- (e) Has the overdose occurred previously? When? Was it intentional or an accident?

Check residence or area for additional drugs and/or narcotics. Check trash for empty containers.

Check for prior convictions, narcotic or drug arrests, or information regarding previous narcotic-related activity.

Attempt to obtain sample of suspected substance.

Attempt to locate, if applicable, injection points. Photograph injection point, and if possible, estimate damage. (Pathologist should be able to answer.)

## Autoerotic Deaths

### 1115.1 PURPOSE AND SCOPE

To provide the investigator with a general understanding of the causes of autoerotic deaths and the signs/evidence thereof.

### 1115.2 AUTOEROTIC DEATHS

Death from accidental asphyxia occasionally occurs as a result of masochistic activities of the deceased. This manner of death has been described as “sexual asphyxia” or “autoerotic death”.

#### 1115.2.1 SPECIAL OBSERVATIONS/EVIDENCE

Typically, a male is found in a partially-suspended position either nude, attired in articles of female clothing, or with his penis exposed. A ligature, suspended from a point within his reach, is affixed to his neck; it is padded to prevent visible evidence of his activity. There is no indication of suicidal intent and the death surprises friends, relatives, and associates. Normally, there is an absence of mental or sexual disorder in the deceased's history.

#### 1115.2.2 TYPICAL CASES

The death is attributable to asphyxia. While the most common method is neck compression, more bizarre exotic forms involving chest compression, airway obstruction, and oxygen exclusion with gas or chemical replacement have come to the attention of medical and criminal investigators.

#### 1115.2.3 SUMMARY

A is found in a partially-suspended position with some evidence of masturbatory activity present. The death is sexually motivated, accidental in nature, and a surprise to associates of the deceased. Although the most common method of death is neck compression, other more exotic forms are being reported. The motivational factor is thought to be enhancement of orgasm through the reduction of oxygen to the brain. There is no apparent intent to die. The activity is masochistic in nature and often associated with other sexual fantasies of the practitioner, which may be evident by the presence of diaries, pornography, or other such paraphernalia at the scene or in the decedent's possession. Although males predominate in this deviation, females are also known to have died as a result of its practice. The psychological autopsy is a useful technique in resolving those instances where it is not clear whether the motivational intent was suicidal or autoerotic in nature.

## Suicides

### 1116.1 PURPOSE AND SCOPE

To establish a protocol for the handling of suicides and provide information on the various types of suicides.

### 1116.2 SUICIDES

An apparent suicide should be investigated as thoroughly as any other death by violence. Some are concealed homicides and some are accidents. The indication of suicide on a death certificate has serious social and economic consequences for the survivors.

#### 1116.2.1 INVESTIGATION

There are several factors to be considered before deciding that a given situation is suicide:

- (a) Did the victim intend to kill himself/herself
- (b) Could the victim have killed himself/herself?
  1. In a shotgun/rifle death, be sure to measure the barrel of the weapon to be sure it is physically possible for the decedent to have committed the act.

Knowledge of the victim's emotional status prior to the incident is quite important, but cannot always be obtained. Surviving relatives and friends may be reluctant to discuss these matters. Physicians' records and police records may document previous unsuccessful attempts. Evidence of previous attempts may be present as scars/hesitation marks.

Either the Patrol Supervising Shift Sergeant, Officer In Charge, or Investigations Supervisor on duty **shall respond to all** suicide cases.

#### 1116.2.2 PATTERNS AND CHARACTERISTICS

There are certain patterns or characteristics associated with a suicidal death of which the investigator must remain aware:

- (a) Is the victim right-handed or left-handed?
- (b) Are there hesitation marks or old scars (neck, wrist, or abdomen)?
- (c) Is there a mirror nearby? If so, check for autoerotic paraphernalia.
- (d) Has any clothing been removed or raised in the area of the fatal wound
- (e) Has the death been premeditated (suicide note)?

#### 1116.2.3 NOTES AND OTHER EVIDENCE

Remember that a suicide note is an indication of intent. It must be treated with care as any other form of evidence. Samples of the decedent's handwriting on other documents should be used for the comparison. If the circumstances do not correlate well, it may be necessary to enlist the aid of a document examiner or a latent print examiner. Because of the stigma associated with suicides, family members may have altered the scene or even concealed the suicide note. Family

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statements must be carefully evaluated. The final act is usually the culmination of prior attempts or warnings.

Government Code §27464 – Delivery of Document Directing Disposition of Property and remains of Deceased; Filing of Copy; Delivery of Original

"Whenever the death of any person shall have been referred to the coroner for investigation, there shall be delivered to the coroner any note, letter, or other document apparently written by the deceased which may tend to indicate an intention by the writer to take his life, including directions for disposition of his property or disposal of his remains. A facsimile copy thereof shall be placed in the coroner's records, and if an inquest be held, a true copy shall be read into the record and transcribed into the notes of the official stenographer. Upon completion of legal proceedings arising from such death, the original instrument shall be delivered by the coroner to the addressee or to the legal representative of the estate of the decedent; provided, however, that if the instrument purports to be testamentary in nature, it shall be filed with the county clerk as provided by law."

All items on or around the body are coroner's evidence. Therefore, all items used in conjunction with death fall under the jurisdiction of the coroner, not the investigating law enforcement agency. This includes notes, letters, weapons, ropes used in hangings, drugs, et cetera.

The deputy coroner shall take photographs of the decedent, the surroundings, and the wound(s).

#### 1116.2.4 X-RAYS

- (a) Cases in which a penetrating wound was inflicted are to be x-rayed. Bullet wounds that are not through-and-through, and gunshot wounds where massive tissue destruction was not inflicted are to be x-rayed.
- (b) Other penetrating wounds (knife, et cetera) are to be x-rayed.
- (c) All burn victims in suspicious cases are to be x-rayed.

#### 1116.2.5 SPECIAL CONSIDERATIONS

Consider these areas of stress associated with suicide:

- (a) Death of a spouse;
- (b) Mental illness;
- (c) Marital problems;
- (d) Job loss;
- (e) Death of a close friend;
- (f) Retirement;
- (g) Personal illness;
- (h) Legal problems;
- (i) Financial problems;

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(j) Breakup with boyfriend/girlfriend.

In considering the self-inflicted injury, the multiplicity of wounds does not eliminate the possibility of the suicide, but raises the question of attack by another person. In that situation, evidence of defensive moves or of a struggle would probably remain. Multiple bullet wounds, stab wounds, cutting wounds, even blunt injury wounds can be inflicted by a person intent on his/her own destruction.

## Carbon Monoxide

### 1117.1 PURPOSE AND SCOPE

To set a standard procedure for the handling and to provide the investigator with information surrounding death by carbon monoxide deaths.

### 1117.2 REPORT CONTENTS

At the scene of any death where the possibility of carbon monoxide is present, the investigator should be certain all of the following points are covered in the investigation and report:

Vehicle Considerations:

- (a) Location of vehicle;
- (b) License number;
- (c) Year and make of vehicle;
- (d) Was the key in the ignition;
- (e) Was the key turned off or on;
- (f) If off, who turned it off;
- (g) Was the vehicle found idling;
- (h) What, if anything, was holding down the accelerator;
- (i) Was any gas left in the vehicle if it was not running;
- (j) What type of hose was used;
- (k) Where was the hose connected and with what;
- (l) How was the hose attached to the area where the body was found;
- (m) If the hose is taped to or through a window, is the tape outside or inside;
- (n) Are other doors or windows taped;
- (o) Was the vehicle locked from the inside;
- (p) Could the victim have taped the entrances and then entered the vehicle;
- (q) Contents of the vehicle: check for drugs, alcohol and/or any paraphernalia;
- (r) Check for a note.

\*NOTE: When writing your report, keep in mind that carbon monoxide is a colorless, odorless gas. Seeing or smelling "exhaust fumes" is not "seeing or smelling" carbon monoxide.

Body Consideration:

- (a) What color is the body;
- (b) Body position: lividity in relationship to position.
- (c) Condition;

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- (d) Trauma and/or injuries;
- (e) Clothing.

## Hanging Deaths

### 1118.1 PURPOSE AND SCOPE

It is the policy of the Sheriff-Coroner to handle all hanging deaths as a possible suspicious death and proceed with a standard protocol. This policy will provide the investigator with a general understanding of the type of hangings and special considerations in hanging deaths

### 1118.2 HANGING DEATHS

Death from hanging is caused by the compression of the neck by a ligature with the weight of the body supported in whole or part by the ligature. The blood vessels are closed by the pressure of the ligature, particularly the carotid artery, causing cerebral anoxia. Unconsciousness takes place within a few seconds and death shortly thereafter.

Hanging cases may involve one of three categories:

- (a) Suicide
- (b) Accident
- (c) Homicide

Of the three, suicide is the most common and homicide the least. Frequently, it is difficult to distinguish between suicide and accident. Could the victim have killed himself in this manner, and if they did, was it suicide or accidental? Accidents can occur with children at play, falling, or during autoerotic sexual behavior. Therefore, great care should be exercised in investigating a hanging death.

### 1118.3 MODE

Study the whole scene carefully. Note the type of material used, rope, sash, sheet, et cetera. What is the body suspended from (rafter, door, tree, et cetera)? Are the feet touching the floor and will the material stretch? What type of noose was used, slipknot versus fixed knot?

#### 1118.3.1 SUICIDE

Of the three, suicide is the most common and homicide the least. Frequently, it is difficult to distinguish between suicide and accident.

Ask yourself if the victim could have killed himself in this manner: If so, was it suicide or accidental?

#### 1118.3.2 ACCIDENT

Accidents can occur with children at play, falling, or during autoerotic sexual behavior; therefore, great care should be exercised in investigating a hanging death.

Autoeroticism

- (a) If autoeroticism is involved in the death, there is usually sexually-oriented material present, such as photos, female clothing at the scene or actually being worn by the deceased and possibly a large mirror in front of the body.

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- (b) A quick-release method for releasing the pressure should also be present; therefore, it is very important to reconstruct and/or photograph the mechanism.
- (c) Photograph any “fail-safe” mechanisms on the ligature.
- (d) Describe any soft materials between the ligature and the neck and/or elaborate contraptions attached to the bonds.
- (e) Note obvious indications that the decedent had been masturbating, i.e., sexual paraphernalia present, pornography, sexual toys, et cetera, and their position in relation to the body.
- (f) Describe the decedent’s clothing. Can any clothing be identified as belonging to the opposite sex?

#### 1118.3.3 HOMICIDE

Homicide by hanging is the least likely mode for hanging deaths. It is extremely difficult to suspend a person without a struggle or disabling them first.

Search for indications of a struggle, trauma, fingernails broken, objects knocked over or anything not consistent with asphyxia.

#### 1118.3.4 SPECIFIC NOTES

- (a) When cutting the victim down, do it in such a way as to preserve any and all knots. Leave the ligature around the victim's neck. All knots are to be labeled and sent to the morgue with the victim.
- (b) Lividity should be settled in hands and feet if the body is hanging off the floor.
- (c) Care should be taken in examining bodies as the family may try to cover up suicide by claiming heart attack or other natural events.
- (d) The ligature marks may be less pronounced if the victim is kneeling or if the body is moved soon after death.
- (e) Check for chafing or material on the area to which the material is fastened. This may indicate whether this has happened before or if another person suspended the body by pulling over the beam.
- (f) Do not cut through any of the knots.
- (g) If possible, photograph the ligature at the scene and on the body.
- (h) The rope or other item used (belt, electrical cord, etc.), shall be cut leaving the noose or knot intact and preferably still around the neck of the deceased. Always attempt to keep the rope as close as possible as to how it was initially found. If the rope or other item has been removed by emergency personnel or someone else, you shall take this piece of evidence along with the body. The pathologist requires this evidence at the time of autopsy.
- (i) The ligature must accompany the body to the morgue.
- (j) If there are any other bindings on the body, do not remove them.

## Homicides

### 1119.1 PURPOSE AND SCOPE

To establish an investigative procedure for the routine patrol officer initially responding to a homicide case and provide the deputy coroner with general guidelines in the handling and writing of homicide investigations.

### 1119.2 HOMICIDE INVESTIGATION

Homicide is probably the most serious criminal offense with which the deputy coroner comes into contact. Most homicides are violent and have a considerable impact on those connected with them.

Although homicides are difficult to prosecute and a considerable amount of time is consumed by law enforcement agencies in their investigations, it is one of the cases that requires a minimum of investigation on the part of the coroner's office. Most of the facts of the case at issue will be determined by the law enforcement agency involved.

Pursuant to Government Code §27491.55, it is the policy of the Nevada County Sheriff's Office, to investigate any death that may be attributable to an act of homicide in our jurisdiction or any other criminal act which has occurred in our jurisdiction. This would include deaths occurring at Sutter Roseville Trauma center in Placer County, U.C. Davis Medical Center in Sacramento County, and Enloe Hospital in Butte County. This would not pertain to deaths occurring at Washoe Medical Center in Reno, Nevada.

There are some important aspects of a homicide investigation with which the coroner's deputy will be concerned. These are primarily the cause and manner of death.

As with any investigation, there is no set of rules that must be followed. Each case has its own facts and circumstances which makes it unique; and each should be handled as the situation warrants. Common sense should guide the investigation. Some of the information the coroner's deputy must ascertain are outlined below. These are not necessarily all of the points which should be addressed in the investigation:

- (a) Day, date, and time call was received;
- (b) Manner in which call was received;
- (c) From whom the call was received;
- (d) Location of the call;
- (e) Is the investigating agency requesting the pathologist to respond to the scene?
- (f) Reason?

Keep in mind that the investigating agency has a job more important than yours at the homicide scene. Assist them as much as possible. Do not do anything without coordinating with the officer in charge of the investigation first.

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Keep in mind that your final coroner's report will be public information, and include only basic information so as not to jeopardize the integrity of the prosecution of the homicide case. **Always request a separate case number from dispatch; keep the coroner's report separate from the investigative report.**

#### **1119.3 WHEN THE DEPUTY CORONER IS THE FIRST LAW ENFORCEMENT OFFICER TO ARRIVE ON SCENE OF A POSSIBLE HOMICIDE**

If death is obvious (decomposed, et cetera):

- (a) Do NOT approach the body.
- (b) Request a supervisor and/or homicide detective(s).

If death is questionable:

- (a) Approach the victim via a route that was least likely the suspect's route so as not to disturb potentially vital evidence.
- (b) If possible, do not move the body while checking for signs of life.
- (c) If no signs of life are found, retreat from the body via the SAME ROUTE used to approach it.
- (d) Request a supervisor and/or homicide detectives

Secure the scene and stand by to await responding officers.

Notify the coroner supervisor and pathologist on duty as soon as practical. Be prepared to answer all possible questions. In unusual cases, multiple homicides, or when requested by the investigating agency, the pathologist on duty may be called to the scene.

#### **1119.4 ONCE HOMICIDE INVESTIGATORS HAVE COMPLETED THEIR WORK AT THE SCENE, A DEPUTY CORONER WILL BE NOTIFIED AND RESUME CONTROL OF THE BODY AND SCENE?**

When investigators have completed their work at the scene, a deputy coroner will be notified and resume control of the body and scene.

Be sure to obtain confirmation from the lead investigator before entering the scene.

#### **1119.5 REMOVING THE DECEDENT**

DO NOT disturb the body until it is ready to be moved. Obtain permission from the investigating agency or scene commander.

Make sure all diagrams are complete and all evidence and photos are taken.

Conduct your physical examination (do NOT remove clothing). Do not disrupt clothing any more than necessary. The pathologist will remove the clothing at the autopsy.

- (a) Skin condition (temperature and color);
- (b) Presence of rigor (fixed, easily broken, none);
- (c) Presence/location of postmortem lividity;

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- (d) Type(s) of wounds and location, if present.

Ascertain if investigating agency wants the hands bagged (use paper bags only).

Check for additional evidence or wounds under the deceased.

Photograph, if necessary.

Always remove a homicide victim in a NEW and unused body bag.

All property taken in conjunction with a homicide is to be taken by the investigating agency as either coroner property and/or evidence of the crime.

The patrol deputy taking the coroner report will stay with the body until it is removed by the mortuary.

NOTE: All coroner's receipts issued in homicide cases are to indicate what property was taken by the deputy coroner only, allow investigators to document items taken for the criminal investigation on a separate receipt, allow other jurisdictions to provide their own receipts.

Be sure to have x-rays taken of the affected area(s) in all homicide cases which have a possibility of being caused by anything penetrating the body/skin (bullet, knife, et cetera), or if there are any suspected fractured bones.

#### **1119.6 NOTIFICATION**

Ascertain whether the investigating officers want you to make notification, or if they want to handle it.

#### **1119.7 WRITING THE REPORT**

##### **1119.7.1 INFORMATION TO INCLUDE IN THE TEXT OF THE REPORT FOR HOMICIDES**

- (a) Basic information from the reporting party, if appropriate;
- (b) Basic information regarding the circumstances of the case (method used, manner, et cetera) from the investigating officer;
- (c) Description of the scene;
- (d) Description of the decedent's position and body condition;
- (e) Clothing description and condition;
- (f) Description of any visible wounds;
- (g) Description of blood (where located, size and shape of spots, spatters, direction of flow, color and consistency, et cetera);
- (h) Description of jewelry, if any (if none, indicate so);
- (i) Details of body removal (x-rays, et cetera).

##### **1119.7.2 BASIC QUESTIONS WHICH MUST BE ADDRESSED IN THE REPORT**

- (a) Who

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1. Who was the victim?
  2. Who was the reporting party?
  3. Who discovered the crime?
  4. Who saw or heard anything?
- (b) What
1. What other agencies were or need to be notified?
  2. What weapon(s) were used?
- (c) When
1. When was the crime committed?
  2. When was the crime discovered?
  3. When were the authorities notified?
  4. When did the authorities arrive at scene?
  5. When was the victim last seen?
- (d) Where
1. Where was the crime discovered?
  2. Where was the victim found?
- (e) How
1. How was the crime discovered?
  2. How was the crime reported?

## Child Abuse

### 1120.1 PURPOSE AND SCOPE

To establish an investigative procedure and provide guidelines for the handling of suspected child abuse cases resulting in death.

### 1120.2 SUGGESTED QUESTIONS AND OBSERVATIONS FOR POSSIBLE CHILD ABUSE

Always bear in mind the postmortem changes in death are faster with children than adults. It is necessary to ask questions if there is any doubt regarding the condition of the body. If you suspect the possibility of child abuse or maltreatment, the investigations division's sergeant should be notified promptly.

If a child has obvious injuries, was the child taken to the doctor or hospital? If so, to which facility or physician was the child taken?

How did the injury occur?

- (a) If a fall, how far did the child fall, and was the fall witnessed?
- (b) Onto what surface?
- (c) Where did the impact occur?
- (d) Did the child fall more than once?
- (e) Did the child sustain multiple impacts?

If there are other children in the household, a glance may tell you if they also have sustained any mistreatment.

Full-body x-rays are to be taken in all deaths of children under three years of age, and in all cases of suspected child abuse. This may need to be done at a local hospital prior to being taken to the morgue; there may be an associated cost.

### 1120.3 HELPFUL CLUES TO MALTREATMENT

Deputy coroner must examine the body and know what he/she is seeing:

- (a) Bilateral multiplicity of injuries
- (b) Varying ages of the injuries (very important)
- (c) Disparity of injuries with explanation
- (d) Delay in treatment of injuries
- (e) Indifference to the severity of the injuries
- (f) Talk to neighbors

### 1120.4 GENERAL REPORTING PROCEDURE

Any deaths resulting from physical abuse, evidence of prior physical abuse or severe neglect, a Form SS 8583 must be submitted to the Attorney General's Child Protection Program. If the

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death occurs after an initial Form SS 8583 has been submitted by another entity, the coroner must submit a supplemental Form SS 8583 indicating the change to the initial form.

## Deaths of Incarcerated Persons

### 1121.1 PURPOSE AND SCOPE

To set a standard protocol and notification information for all deaths of persons in the custody of the Nevada County Sheriff's Office.

### 1121.2 NOTIFICATION

Notify the Sheriff, Undersheriff, Jail Commander, and Operations Commander. A Major Crimes Unit investigator will be assigned to handle all deaths occurring in the jail unless the death will be investigated according to the Officer Involved Critical Incident (OICI) Protocol. A separate case number from the coroner case will be taken for the death investigation.

Expected deaths of incarcerated persons occurring in a hospital where there were no physical altercations or other events responsible for the death will be handled by a patrol deputy according to the Hospital Deaths policy after consultation with the Jail Commander or the designee.

California Government Code §12525 requires that in any case in which a person dies while in custody of a law enforcement agency, the agency shall report in writing to the California Attorney General, within ten (10) days after the death, all the facts in their possession concerning the death.

Reporting the in-custody death to the California Department of Justice is accomplished manually by submitting Form BCIA 713 to:

California Department of Justice  
California Justice Information Services Division  
Bureau of Criminal Information and Analysis  
Criminal Justice Statistics Center  
P.O. Box 903427  
Sacramento, CA 94203-4270  
Telephone (916) 210-4285 or (916) 227-3545  
Fax (916) 227-0427 or (916) 227-3561

The completed BCIA 713 form will be attached to the coroner report. Deaths that occur within the walls of the jail have additional reporting requirements. Jail staff will ensure any additional BSCC requirements are reported in accordance with the Reporting In Custody Deaths policy.

## Major Disasters

### 1122.1 PURPOSE AND SCOPE

To provide the deputy coroner with information on actions to be taken in the event of a major disaster.

### 1122.2 MAJOR DISASTER

In any major disaster where multiple deaths are involved or industrial accidents, such as explosions, et cetera, notify the on-duty sergeant, sheriff, undersheriff, officer in charge of the Coroner's Unit, and County Office of Emergency Services (in the event of disaster only).

Refer to the Mass Fatalities Plan for further instructions.

## Coroner's Property

### 1123.1 PURPOSE AND SCOPE

It is the policy of the sheriff-coroner to safeguard the property in all coroner cases until a determination of proper next-of-kin has been made. This policy exists to provide the deputy coroner with a procedure for identifying, seizing, handling, and releasing coroner's property

### 1123.2 STORING CORONER PROPERTY

In cases where there is no authorized person to receive the property at the scene, use the following procedure:

- (a) When possible, leave all bulky articles in the decedent's house/room; seal all passageways with coroner seals. Make a notation in the report that the room was sealed.
- (b) Take only jewelry, money, bonds, certificates, guns, will(s) or trust documents, et cetera, as property. Place the items in a properly marked envelope and store in the evidence room (coroner's property). Give the will(s) or trust documents to the coroner to forward to County Counsel's Office with a note as to where they were found.

When it is not practical to store bulky articles in a room or when there is no room, tag and book the property at the Sheriff's Property Unit (SPU) Remember, the deputy coroner is responsible for the loss of any property coming into his/her custody or of which he/she has knowledge.

Routine pathological tissue samples from autopsy will be stored for a period of six (6) months from the date of death and then destroyed.

Homicide and "John and Jane Doe" pathological tissue samples will be separated from the bulk tissue samples and booked into the Sheriff's Property Unit to be retained indefinitely.

### 1123.3 RELEASE OF CORONER'S PROPERTY

Only the personal representative of the decedent's estate (executor or court-appointed administrator) is permitted to retrieve property of the decedent in cases falling under the jurisdiction of the coroner (Government Code §27491.3). If there is no formal probate proceeding, the person who is entitled to the property pursuant to a Probate Code §13101 affidavit may retrieve the property 40 days or more after death. If there is no inquest or criminal investigation, the decedent's property can be released to relatives in the following order pursuant to Probate Code §330 (in cases where the officer knows, or has reason to believe there is a dispute over the right to possession of the property, the property shall not release the property):

- (a) Surviving spouse (legally married)/separated (but not divorced);
- (b) Adult Child;
- (c) Parent
- (d) Sibling;
- (e) Conservator or guardian of the estate, acting in that capacity at the time of death;

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(f) Public Administrator

If within 90 days after the inquest, no legal representative makes a demand upon the coroner for the money or property found upon the body of the decedent, or at the property, the coroner shall deliver the property to the public administrator for disposition pursuant to Probate Code §7660.

# Photography

## 1124.1 PURPOSE AND SCOPE

To provide the deputy coroner with information relative to the proper photographs to be taken in conjunction with specific types of deaths.

## 1124.2 PHOTOGRAPHY

Digital photos shall be uploaded to the Multimedia Summary section of the coroner's report in the report management system.

Investigative photography provides an excellent means of preserving indefinitely the evidence found at the scene of death relative to location, and appearance at the time the body was found. Photographs are taken solely for the use of the sheriff's office. Photographs of a deceased body or any portion of the body of a deceased person are not releasable to anyone other than the district attorney for use in a criminal action or proceeding, which relates to the death of that person. A court order is required for release for any other reason, to any individual (CCP §129).

Members, operating under color of authority, who respond to the scene of an accident or crime are not permitted to capture the photographic image of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to their employing agency unless the image is taken for an official law enforcement purpose or a genuine public interest. (Penal Code 647.9, California Assembly Bill 2655)

## 1124.3 PHOTOGRAPHY GUIDELINES

Investigative photography requirements vary with the different types of investigations conducted and in many instances (i.e., natural deaths in the hospital, et cetera), photography is not needed. The following list of minimum photography requirements is to be use as a guideline. The experienced investigator appreciates the significance of the saying "one picture is worth a thousand words".

### 1124.3.1 UNIDENTIFIED REMAINS - JOHN/JANE DOE CASES

In cases where the identity of the deceased is not known or is in doubt or question, photography is a must. Full-body photographs (both clothed and unclothed), close-up photographs of any scars, marks, and tattoos, together with full-face and left- and right-profile views of the face, shall be taken along with any other unusual features, identifying marks, or deformities.

### 1124.3.2 HOMICIDE CASES

Keep in mind that the investigations division will handle the homicide investigation. The deputy coroner will only handle the coroner's case.

At scene: Photograph the entire scene from 360 degrees starting from the north. Photograph the relative positions of any objects. Photograph any injuries, weapons, blood spatter patterns, marks, and any other significant items or conditions that can or do have a bearing on the death.

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#### 1124.3.3 AUTOPSY

Identify photographs with nameplate indicating date and place of autopsy, time, and autopsy surgeon (at least two photographs).

Photograph full body front and back, side views, clothed and unclothed.

Photograph full face/right- and left-profile views.

Any observable trauma and identifying scars and marks will be photographed separately with and without scale rulers in the photograph, and in such a manner as to be able to relate the item depicted in the photo to its location on the body. Macro photographs shall be taken of trauma, scars, and marks, et, cetera as needed.

Subcutaneous evidence of injury, such as the reflected scalp, reflected chest area with breastplate present and removed, damaged organs or organ systems, bullet/knife/projective tracks are to be recorded with and without probes to indicate amount of injury and direction into, through, and out of tissues.

Any other photographs taken will depend on the circumstances: Trauma present, pathologist's requests, et cetera. Always ask the pathologist if he/she wants photographs of a questionable area/organ.

#### 1124.3.4 ACCIDENTS

At Scene:

- (a) If at all possible, photograph the body and its relative position within the accident/death scene to include pieces of equipment, vehicles, tools, weapons, buildings, roads, and fixed objects together with any indicators of how or why the incident occurred (i.e., burned wire from electrical short circuits, tire skid marks, blood spatters, broken or damaged equipment and vehicles, et cetera).
- (b) Record the name of the decedent, if known, at the beginning of the roll for easier identification of what might be otherwise indiscernible.
- (c) Use a scale, if it is appropriate, as it is often vital to understanding the scene depicted.
- (d) Photograph the scene from different angles and distances.

At Autopsy:

- (a) In addition to the photographs listed above, pay particular attention to patterned injury, such as tire marks, tool marks, injuries consistent with pedestrian vs. auto, driver injuries consistent with a collision (head, chest, wrist, seat belt injury patterns).

#### 1124.3.5 SUICIDE

In addition to photos listed in the Accidents subsection, photograph any notes or visual indicators of incident. The suicide death scene is especially important in demonstrating both the level of intent and lethality potential of the method employed by the deceased. Also, in many instances, it is vital to indicate the ability of the deceased to perform the act alone.

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The scene photography is vitally important in evaluating the decedent's intent, any safety devices that failed, and the particular aversion methods used

#### 1124.3.6 DRUG/ALCOHOL OVERDOSE POISONING

Photographs should depict, if possible, any instruments used in administering of the drug/poison, empty containers or vials, tracks, et cetera. Photograph also the condition, location, and position of the body.

#### 1124.3.7 FIRE SCENES

Ensure that the location of the deceased is indicated and bear in mind that special lighting may be required in these cases.

#### 1124.3.8 SUIDS CASES

Especially vital is photography depicting the scene (often the crib or bassinet), rigor mortis patterns, cleanliness of the residence overall, and clothing of the deceased. Photograph postmortem lividity/blanching patterns.

#### 1124.3.9 QUESTIONABLE/UNEXPLAINED DEATHS

Photography in equivocal deaths has been known to be vital in finally determining the cause/mode of death. Approach these as a homicide and photography accordingly.

## Death Notification

### 1125.1 PURPOSE AND SCOPE

To establish a standard procedure for notification of next-of-kin on coroner cases, and deal practically with one aspect of law enforcement's stress/death notification.

### 1125.2 DEATH NOTIFICATION

After positive identification of the deceased, unless there are extenuating circumstances, death notifications shall be made to the appropriate family member **IN PERSON**, and not via telephone. If next-of-kin live out of the immediate area, a teletype, fax or email shall be sent to the coroner, medical examiner's office, or law enforcement agency in that jurisdiction briefing them on the details, and requesting they attempt to notify the appropriate family member **IN PERSON**. For the death of a foreign national, the closest consulate or embassy shall be notified of the death and any given any next-of-kin information.

### 1125.3 DETERMINATION OF NEXT-OF-KIN

- (a) Wife or husband (married or separated – NOT divorced);
- (b) Son and/or daughter;
- (c) Mother and/or father;
- (d) Adult brother and/or sister;
- (e) Any other family member or person who has acquired the right to control the disposition of the remains;
- (f) Public Administrator

The closest living relative is determined to be the next-of-kin. They are to make all arrangements or they must appoint, in writing, someone else to carry out these arrangements.

### 1125.4 INFORMATION TO BE RELAYED TO NEXT-OF-KIN

- (a) The next-of-kin are to make arrangements with the mortuary/crematory of their choice.
- (b) Never obtain death information (identifying information of the decedent, driver's license returns or license plate returns) over the police radio. If the radio operator starts to do this, ask him/her to stop. Have the radio operator call you on the telephone or vice-versa.
- (c) Obtain as much information as possible (what, when, where, and sometimes, if possible, how). Disregard the "why" of the incident. You should not become involved in that during the notification. A simple and appropriate answer to "why" is, "I don't know."
- (d) Before you break off contact with your source of information, make sure you have positive identification of the victim. Nothing is more inept than to be making the notification and have the supposed victim walk into the room, call on the phone, or later contact the grief-stricken party. They may be elated at the moment, but later their

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### *Death Notification*

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- elation will turn to bitterness for you and the department because of the trauma that you have caused.
- (e) Operating vehicle emergency lights and flashers is inappropriate. Keep a low profile when you park in front of the residence.
  - (f) Never carry a personal item of the victim's with you. Leave all of those items at the hospital, the sheriff's office, or in your car. A simple notepad with the name or description written down will suffice.
  - (g) Attempt to get inside the residence before you deliver the message. If a medical emergency develops behind a closed door, you'll never know about it.
  - (h) Avoid notification by telephone; the consequences could be too great.
  - (i) If possible, never go alone. Either a chaplain, or friend of the victim (preferably a relative) can help break the news more easily. If friends or relatives are unavailable, take another officer with you. Most people would rather hear the news from a relative than a deputy.
  - (j) Try to assess the stability of the individual to whom the news must be delivered. If, in the officer's judgment, the person may be so shocked by the death notice that hospital treatment would be required, the officer should attempt to make some arrangements.
  - (k) Relate the message straightforward using a direct approach, i.e., "Your son has been involved in an accident. He has been killed." There is no way to soften the initial blow of this reality. Avoid jargon such as, "Your daughter was injured, fatally." The message should initially be very clear leaving no room for false hope as the word injured may allow.
  - (l) If the family breaks down, try to console them as well as you can. Almost any behavior is possible (anger, denial, questions, et cetera). Physical violence is always a possibility. This possibility underscores the need for two persons going to such calls.
  - (m) Beware of the variety of reactions (some faint and others become hysterical). Assess the situation. Read the nonverbal cues and try to anticipate needs, e.g., a place to sit or some water. A "quick read" of the living environment may give you valuable hints to possible reactions.
  - (n) If the person is alone, ask if there is a friend whom he/she can call, or you could call to come and stay with him/her for a while. Men are just as emotional as women and need the comfort and understanding of a friend. If at all possible, stay until someone arrives.
  - (o) It is usually better to be empathetic than sympathetic. The grieving person usually does not want sympathy from strangers. Feeling sorry for that person is not as effective as feeling with the person. Some shared feelings may be most meaningful. Under no circumstances should an officer's behavior give cause for false hope.
  - (p) Be specific but tactful; try to avoid police jargon when explaining the situation, i.e., words such as "fatality", "vehicular flow", and "11-44", et cetera are out of place. Use plain language. Do not obscure the message and do not pass the buck. Center on meeting immediate needs. Do not become involved in a discussion of possible future actions.

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- (q) Be prepared to spend a few minutes with the family. Do not drop the news and then turn and walk out. Try to assess the situation. The family may have a question or two as soon as the initial shock can be handled. If questioned, be as honest about the situation as you can. They will let you know verbally or emotionally that they are handling it and will, most of the time, cue you in some way that they wish to be alone.

## Death Notification Teletype

### 1126.1 PURPOSE AND SCOPE

Establish a standard procedure and familiarize the deputy coroner with the need and content of teletype information to provide other agencies to request death notifications out of our jurisdiction.

### 1126.2 OUT OF AREA DEATH NOTIFICATION

When the decedent's next of kin resides out of the county's jurisdiction, a teletype must be sent to the proper agency to request that they be notified of the death.

Sample teletype content:

To: (Name of Agency)

From: Nevada County Sheriff-Coroner

Please attempt to contact (name and address), and advise of the death of (name, date of birth, description, and relationship) who was identified by (medical records, friends, fingerprints, et cetera). Death due to (apparent natural causes, accident, et cetera) in this county on (date and time). Advise to contact Nevada County Coroner at (530) 265-7880. Please advise date and time you make contact. If unable to contact, please advise by return teletype. If this address is out of your jurisdiction, please forward to proper authority.

Refer: Nevada County Coroner's Division  
Shannan Moon, Sheriff-Coroner

## Reportable Non-Coroner - Natural Death Cases

### 1127.1 PURPOSE AND SCOPE

To establish a procedure for taking natural death, doctor-will-sign cases and differentiate types of coroner cases and the forms used with each one.

### 1127.2 REPORT TYPES

#### 1127.2.1 LONG FORM CORONER CASES

A Long-form coroner's report must be written for all cases in which, after investigation, the deputy determines a physician is not authorized or willing to sign the death certificate.

#### 1127.2.2 SHORT FORM CORONER CASES

A short-form incident report must be written for all cases in which, it is determined, by investigation, the case does not require a long form and a doctor will sign the death certificate. If it is not necessary for a deputy to respond to each natural death case. If a competent person has verified death and acknowledges death has occurred and states there is a DNR (Do Not Resuscitate) on file, or that the patient is terminal, it can be handled by telephone.

The short form report will contain all necessary identifying information on the decedent, place and time of death, reporting party information, who will be signing the death certificate, and the cause of death. The cause of death must be accurate. Never rely on a physician's receptionist for accurate information. Speak directly to the doctor.

#### 1127.2.3 HOSPICE CASES

A registered nurse who is a member of a hospice interdisciplinary team who attended to a decedent 20 days prior to their death is regarded the same as if it were the doctor. Cases that fall under this category no longer need to be reported to the coroner and no response is required by the sheriff's office.

## Medications

### 1128.1 PURPOSE AND SCOPE

To outline for the deputy coroner the procedure for collecting medications and information needed when medications are found in conjunction with a coroner's case.

### 1128.2 MEDICATIONS

- (a) A property receipt will be left any time medications are seized for evidence or destruction.
- (b) When medications are located in conjunction with a coroner's investigation (long-form), the deputy coroner will document the type and dose of medication in the body of the report.
- (c) Medications taken during a coroner's investigation (long form) or a non-coroner's investigation(short form) are done as a courtesy to the family. They are to be submitted to the property unit and marked for destruction.
- (d) Medications from coroner investigations will be disposed of as follows:
  - 1. After final determination of cause of death.
  - 2. As directed by the chief deputy coroner.

## Medical Records

### 1129.1 PURPOSE AND SCOPE

To outline for the deputy coroner the information required, the need, and the procedure to obtain the decedent's medical records in conjunction with coroner cases.

### 1129.2 HOSPITAL DEATHS

Obtain any records which pertain to this visit. If the decedent was hospitalized for an extended period of time, select records that will give an overall picture of the progression of the stay. Of utmost importance are the "Admitting Diagnosis," any lab results which are significant, and the "Discharge Summary," if available.

Obtain any samples of blood and/or urine taken from the decedent on admission. NOTE: You may have to contact the hospital lab for these samples. Again, your authority to take these items fall under the auspices of GC §27498.

Bring the samples obtained into the Sheriff's Coroner Division. They will arrange for the samples to be taken to Placer County for pickup via courier service.

### 1129.3 RESIDENTIAL DEATHS

Contact the primary care physician. If the decedent has been seeing specialists, talk with them also. Obtain whatever information is available over the telephone.

Obtain copies of medical records. If not immediately available, have them faxed to you or the coroner.

## Deputies' Duties For Transportation Of Bodies

### 1130.1 PURPOSE AND SCOPE

To establish a protocol for deputies to follow when working in conjunction with local funeral homes.

### 1130.2 TRANSPORTATION TO MORTUARY

After the deputy coroner has completed his/her preliminary investigation of the death and determined that this, in fact, will be a coroner's case, he/she will call the mortuary on call for that month to do the removal. The deputy will remain with the deceased until the mortuary has arrived and completed the removal.

### 1130.3 VIEWING AT THE MORTUARY

The following procedure is to be used in all cases except homicides and severely decomposed bodies.

- (a) Once the body is at the mortuary, the mortuary worker will undress the decedent and place the clothing in a bag.
- (b) The deputy coroner will view the nude remains with the assistance of the mortuary attendant.
- (c) The deputy will check external body temperature, post mortem lividity, and rigor mortis.
- (d) All injuries and trauma will be noted.
- (e) All signs of therapeutic intervention (tubes, monitor patches, intravenous setups, et cetera) will be noted.
- (f) All scars, marks, and tattoos will be noted.

### 1130.4 ADDITIONAL IMPORTANT DUTIES

If there is any indication of possible infectious/contagious disease, i.e., AIDS, hepatitis, tuberculosis, et cetera (either by lifestyle or medical history), it must be noted on the face page of the Coroner's Report as well as in the narrative.

If the case is determined to be a homicide, the body is to be left fully clothed at the mortuary.

If death is by gunfire, stabbing, or unknown means, the body shall be x-rayed prior to the autopsy. All child deaths will be x-rayed unless they are by motor vehicle accident or witnessed by a third party, as in a drowning, to eliminate the possibility of foul play.

## Tissue And Organ Donations

### 1131.1 PURPOSE AND SCOPE

The Coroner's Office supports the Uniform Anatomical Gift Act and shall work closely with qualified organ procurement organizations for recovery of as many organs and tissues as possible for cases under the Coroner's jurisdiction.

Special attention shall be given to Coroner cases where homicide and suicide are known or suspected because of law enforcement involvement and the potential of subsequent litigation. In these cases the Coroner's Office must ensure the circumstances, manner, and cause of death can be determined prior to release of the deceased to donor organizations for organ and tissue removal.

To outline the procedures to be followed by Sheriff-Coroner personnel when notified of a potential organ and/or tissue donor.

### 1131.2 DEFINITIONS

**CHEST**--The part of the body located between the neck, the ribs and the breastbone. The organs and tissues are located above the diaphragm. Includes: Heart, heart valves, lungs.

**ABDOMEN**--The area between the thorax and the pelvis that encloses the visceral organs below the diaphragm. Includes: Liver, pancreas, spleen, kidneys, adrenal glands, intestines, vertebral bodies and abdominal aorta.

**EYES**--The organ of vision. Includes: The globe, sclera and cornea. Vitreous fluid sample should be retained for possible testing.

**BELOW DIAPHRAGM**--The area below the lungs. Includes: All of the abdominal organs plus the bones of the pelvis and lower extremities.

### 1131.4 SPECIFIC GUIDELINES

The following guidelines will be observed in determining which Coroner cases are suitable for organ and tissue recovery. The intent of these guidelines is to maximize the cases that can be referred to donor organizations for recovery while ensuring that the mandated functions of the Coroner are carried out.

#### 1131.4.1 CHILDREN UNDER 12 YEARS OF AGE

- (a) PUBLIC WITNESSED NEAR DROWNING
  - 1. Eyes and anything below the neck
- (b) CASES COVERED IN REMAINING SUBSECTIONS
  - 1. Will be determined after consultation with the Coroner's Office.
- (c) SUIDS AND INFECTIOUS CASES
  - 1. Cases by case basis

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### *Tissue And Organ Donations*

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(d) HOMICIDES

1. Case by case basis.

#### 1131.4.2 HOMICIDES

(a) GUNSHOT WOUNDS OF THE HEAD

1. Anything below the neck, following receipt of adequate oral report from attending physician or OPO (Organ Processing Organization) representative documenting lack of trauma to other areas of the body. If history or medical documentation is open to more than one interpretation, consultation with the pathologist may be necessary.

(b) OTHER GUNSHOT WOUNDS

1. Anything not affected by the track of the gunshot, following receipt of adequate oral report from attending physician or OPO representative documenting lack of trauma to other areas of the body. If history or medical documentation is open to more than one interpretation, consultation with the pathologist may be necessary.

(c) NON-GUNSHOT WOUND HOMICIDES (blunt trauma, stab wounds, etc.)

1. Anything not affected by trauma, following receipt of adequate oral report from attending physician or OPO representative documenting lack of trauma to other areas of the body. If history or medical documentation is open to more than one interpretation, consultation with the pathologist may be necessary.

(d) EYES IN ALL HOMICIDES CASES

1. Allowed, after the body is received by Coroner's Office and subsequently viewed by the pathologist during normal hours.

#### 1131.4.3 ACCIDENTS

Before a Deputy Coroner releases organs/tissue, the injuries must first be diagnostically ruled out. Examples of diagnostic tests would be CT scans, X-rays, etc. A visual rule out of injuries is not permitted. (Ex: A decedent arrives at the hospital emergency room after sustaining traumatic injuries. The decedent dies within five minutes of his arrival. Emergency room personnel report a closed head injury and no other injuries. The decedent did not undergo any type of tests because he was in the emergency room for only a brief span of time. Internal injuries can not be ruled out visually. The decedent can not be a donor until after the autopsy has been completed in this type of case. )

(a) VEHICLE vs. PEDESTRIAN

If, after the deputy has obtained relevant information from the concerned law enforcement agency, it is clear that criminal charges are not pending, donation is allowed for organs and tissues uninvolved by trauma. If criminal charges are being considered, consultation with the pathologist is required in order to determine if there will be any restrictions. VEHICLE vs. PEDESTRIAN (Includes bicycle and motorcycle)

(b) ALL OTHER ACCIDENTS

# Nevada County Sheriff's Office

## Policy Manual

### *Tissue And Organ Donations*

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1. Head trauma only
    - (a) Eyes and anything below the neck.
  2. Chest or chest/abdominal trauma
    - (a) Eyes and anything below diaphragm if confirmed undamaged.
  3. Abdominal trauma only
    - (a) Allowed: Eyes and anything confirmed undamaged.
  4. Minimal trauma or if the investigation suggests a cardiovascular event
    - (a) Eyes, heart and anything below the diaphragm not affected by injury after consultation with pathologist. The donor service will provide a cardiac pathology report if the heart is recovered for valves, and return the heart if decision is made not to accept heart.
- (c) ASPHYXIAL ACCIDENTS
1. Every case requires consultation with the pathologist.

#### 1131.4.4 SUICIDES

- (a) GSW (Gunshot Wound)
  1. Anything uninvolved by trauma.
- (b) OVERDOSE
  1. Eyes, leg veins and long bones of the arms, bones of the pelvis and lower extremities and heart for valves taken without consultation. Other organs after consultation with the pathologist. The donor service will provide a cardiac pathology report if the heart is recovered for valves, and return the heart if decision is made not to accept the heart.
- (c) SHARP INJURIES
  1. Eyes, leg veins, long bones of the arms, bones of the pelvis and lower extremities, heart for valves and anything not in the area of, or affected by, the injury. The donor service will provide a cardiac pathology report if the heart is recovered for valves, and return the heart if decision is made not to accept heart
- (d) ASPHYXIATION (including HANGINGS)
  1. Eyes after viewing by the pathologist. Other tissues acceptable prior to viewing include leg veins and long bones of the arms, bones of the pelvis and lower extremities and heart for valves. The donor service will provide a cardiac pathology report if the heart is recovered for valves, and return the heart if decision is made not to accept the heart.
  2. Hospital In-patient cases: Following discussion with the pathologist.
  3. Chart review cases: Any organs or tissue allowed.
- (e) EXTERNAL EXAMS

# Nevada County Sheriff's Office

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### *Tissue And Organ Donations*

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1. Leg veins and long bones of the arms, bones of the pelvis and lower extremities and heart for valves. The donor service will provide a cardiac pathology report if the heart is recovered for valves, and return the heart if decision is made not to accept heart.

#### 1131.4.5 NATURAL CASES

Eyes, leg veins, long bones of the arms, bones of the pelvis and lower extremities. No internal organs will be allowed before autopsy.

#### 1131.4.6 UNDETERMINED

It is understood that by the nature of an initial classification of "Undetermined", consultation with the pathologist is required in order to determine if there will be any restrictions.

### **1131.7 ORGAN AND TISSUE RELEASE GUIDELINES**

#### 1131.7.1 AUTHORIZATION TO RELEASE

The Coroner or assigned designee is authorized to release organs and tissues for recovery to the extent the following criteria permit. Such permission applies only to the giving of the Coroner's release authorization. Actual recovery requires the permission of the legal next-of-kin of the deceased as defined in Health and Safety Code §7151. This Health and Safety Code definition applies throughout this policy and procedure when "legal next-of-kin" is stated.

#### 1131.7.2 CONSENT FROM FAMILY

Donor organizations shall obtain the written consent of the legal next-of-kin prior to organ and/or tissue removal. Non-written consents (i.e., telephonic consents) must be documented and submitted to the Coroner's Office for permanent retention.

#### 1131.7.3 PRE-AUTOPSY RECOVERY

These criteria apply to pre-autopsy recovery of tissue and organs. After the autopsy is completed and the body is released, all requested recoveries are outside the jurisdiction of the Coroner's Office. For potential organ and tissue donations, the transplant coordinator shall obtain consent from the legal next-of-kin prior to contacting the Coroner's Office for permission to recover the organs and tissue.

#### 1131.7.4 REQUEST FOR EXAMINATION (7155.7 H&S)

If the Coroner is considering withholding one or more organs of a potential donor for any reason, the Coroner, or the contracted forensic pathologist (if agreed to by contract), upon request from a qualified organ procurement organization, shall be present during the procedure to remove the organs. The Coroner, or his or her designee, may request a biopsy of those organs or deny removal of the organs if necessary.

If the Coroner, or the contracted Forensic Pathologist, is present during the removal of the organs, the qualified procurement organization requesting the removal of the organ shall reimburse the Coroner's Office for the actual costs incurred in performing this duty.

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## Policy Manual

### *Tissue And Organ Donations*

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#### 1131.7.5 POTENTIAL DONORS

For potential tissue donations, the donor organization will contact the Sheriff's Office to determine the classification of the Coroner's case. Once the classification has been made, releasable tissue will be determined by the criteria contained in this policy and procedure. The donor organization shall obtain consent from the decedent's legal next-of-kin prior to contacting the Sheriff's Office, again for the required release authorization for tissue recovery. All tissue not included in this policy may be recovered once the forensic autopsy or external examination is completed by the pathologist.

#### 1131.7.6 VITREOUS FLUID/PERIPHERAL BLOOD SAMPLES

- (a) On all Coroner's cases, the donor organization will draw vitreous fluid samples (if an eye donor), peripheral blood, and a testable amount, up to 50 ml, of urine if the proposed recovery procedure would make the recovery of urine at a later point impossible. A minimum of two sodium fluoride (gray top) 10 milliliter tubes each filled with blood well mixed with the NaF preservative are required. Obtaining additional tubes of NaF-preserved blood is recommended if possible.
- (b) If the organ/tissue recovery is done at the hospital, admission blood will be left in the hospital's clinical laboratory refrigerators. At the time of the recovery, the procurement organization will draw the samples listed in this policy and the recovery team shall transport the drawn specimens immediately to the clinical lab to insure prompt refrigeration of the specimens. The individual drawing the samples will establish a chain of custody indicating who drew the specimen with the initials of the drawing person on the tube / specimen container in addition to the date and time of specimen collection. If both organ and tissue donor organizations are involved in the recovery, one set of blood tubes is sufficient for both.
- (c) If the organ/tissue recovery is done at a mortuary, the same specimen identification and chain of custody form shall be completed. The form shall indicate who took the samples and who at the mortuary received the sample and placed it in the refrigeration unit. The temperature of the refrigeration unit used to store the specimen(s) will also be recorded on the chain of custody form.

#### 1131.7.7 DONOR ORGANIZATION FACILITY USE

Donor organizations may be charged a facility use fee if organ and/or tissue removal is performed at one of the local mortuaries. That fee is to be paid directly to the participating mortuary by the donor organization.

#### 1131.7.8 APPEAL

Donor organizations may appeal a Deputy Coroner's decision to prohibit organ and/or tissue recovery of a particular Coroner case by requesting the Nevada County Sheriff's dispatch center contact the Chief Deputy Coroner. If the attending and/or trauma physician wants to discuss medical issues related to the appeal, the Chief Deputy Coroner shall contact the Forensic Pathologist and request that the Pathologist contact the physician to review the medical aspects of the case. The Forensic Pathologist will convey the medical recommendations to the Chief Deputy Coroner.

# Nevada County Sheriff's Office

## Policy Manual

### *Tissue And Organ Donations*

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#### 1131.7.9 FINAL DECISION

The Chief Deputy Coroner, who may consult with a Forensic Pathologist as appropriate, will make the final decision when the donor organization appeals the decision of a Deputy Coroner.

#### 1131.7.10 EVIDENCE OF TRAUMA

Transplant surgeons and Tissue Recovery Coordinators shall cease surgical removal procedures if evidence of significant trauma to the affected area is encountered. When internal trauma is identified, the surgeon and/or coordinator shall immediately contact the Coroner's Office and speak directly to the Chief Deputy Coroner, or his/her designee, for instructions on how to proceed. All trauma will be fully documented by the transplant team and submitted to the Coroner's Office.

## Infant And Child Deaths

### 1132.1 PURPOSE AND SCOPE

To provide guidelines for the deputy coroners to follow in handling infant and child deaths.

Infant Deaths: Pertains to those deaths not considered SUIDS and not a natural expected death. Infant deaths range from birth to 16 months. Child deaths range from 16 months to 18 years.

### 1132.2 DEFINITIONS

Infant Deaths: Pertains to those deaths not considered SUIDS and not a natural expected death.

Infant deaths range from birth to 16 months.

Child deaths range from 16 months to 18 years.

### 1132.3 INFANT AND CHILD DEATHS

The deputy coroner will first determine if death was expected (cancer patient, cystic fibrosis, or other natural death (childhood diseases). If this is the case and a doctor has been contacted and will sign the death certificate, no further investigation is required.

If it is obvious that the infant/child died in a car accident or other injury accident that has been witnessed by a third party, it is necessary to take a long form Coroner's Report, but not necessary to call out the Investigations Unit.

### 1132.4 INFANT DEATHS

If the deputy coroner responds to a coroner's case call and is uncertain as to what has occurred, he/she should immediately contact the shift sergeant and chief deputy coroner, and advise them of the circumstances.

The shift sergeant or chief deputy coroner will determine if it is necessary to call in an investigator.

If an investigator from the Investigations Unit responds and the infant is under 16 months of age with no apparent injury, the SUIDS protocol will be followed.

If child abuse is suspected, refer to Coroner's Directive 21 on "Child Abuse."

If a death occurs where it has not been witnessed by a third party (such as a hot tub or swimming pool drowning, a fall down the stairs or off a deck), the Investigations Unit must be contacted.

### 1132.5 CHILD DEATHS

Child deaths are to be handled the same as infant deaths, except the SUIDS protocol will not be followed.

There will be instances in older youths in which drug overdose might be suspected. It is not necessary to contact the Investigations Unit if this is the case, but the on-duty sergeant should be contacted and advised of the circumstances. The sergeant will determine whether or not to call the Narcotics Unit, or to have patrol investigate further.

# Nevada County Sheriff's Office

## Policy Manual

### *Infant And Child Deaths*

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There are natural deaths occurring in this age range, unexpected, but natural. We have had cases of meningitis and sepsis. These cases need not be reported to the Investigations Unit.

## Family Viewing Of Deceased Prior To Autopsy

### 1133.1 PURPOSE AND SCOPE

To provide all deputy coroners with basic guidelines for family viewing of deceased prior to autopsy while preserving the condition of the deceased and the physical evidence at the scene so that the pathologist can make an accurate report on the cause of death.

### 1133.2 VIEWING

- (a) On all homicide cases or suspicious death cases, family viewing prior to autopsy will not be allowed.
- (b) On all cases where trauma is involved and the deceased is not suitable for viewing and would need substantial preparation at the mortuary, viewing will not be allowed. It is difficult for the pathologist to determine what medical intervention was done when all i.v.'s, tubes, pads, etc., have been removed. For example, an injection site could be from injecting heroin or methamphetamine vs. therapeutic intervention. It is also important that the pathologist view the body undisturbed since he may find injuries not consistent with the story that would not be discernable if the body were to be cleaned.
- (c) On infant and/or child deaths, where the death appears to be from natural causes or a witnessed drowning, where there is no trauma involved, family viewing may be allowed after checking with supervisory personnel prior to giving permission. On adult natural death cases, exceptions might also be made but must be cleared with supervisory personnel as well.

## Attachments

## **SUIDS Scene Investigation Protocol.pdf**



# DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL



## For the Evaluation of Sudden, Unexpected Infant Death

This *Death Scene and Deputy Coroner Investigation Protocol* (CDPH 4439), for the evaluation of sudden, unexpected infant death, has been approved by the California Department of Public Health (CDPH) pursuant to Government Code, Section 27491.41. Beginning January 1, 2006, this Protocol is available for use throughout California to assist medical examiners and coroners to establish the mode, manner, and cause of death for all infants one year of age or younger who die suddenly and unexpectedly and in whom the causes of death are not obvious.

The coroner shall state on the death certificate that Sudden Infant Death Syndrome (SIDS) was the cause of death when the coroner's findings are consistent with the following definition:

**The sudden death of an infant one year of age or younger which is unexpected by the infant's history and where a thorough postmortem examination including an autopsy, death scene investigation and review of the infant's medical history fails to demonstrate an adequate cause of death.**

If this Protocol is used and completed for the investigation of a sudden, unexplained infant death, the CDPH would appreciate a copy of this Protocol, as well as the *Standardized Autopsy Protocol* (CDPH 4437), to be sent to:

**Maternal, Child, and Adolescent Health Division  
California Department of Public Health  
P.O. Box 997420, MS 8304  
Sacramento, CA 95899-7420**  
(916) 650-0323 (phone)      [Carrie.Florez@cdph.ca.gov](mailto:Carrie.Florez@cdph.ca.gov) (email)

Additional copies of this Protocol can be obtained from the CDPH at the contact information listed above or by accessing the CDPH website at <http://www.cdph.ca.gov/programs/SIDS/Pages/4.5SIDSProtocol.aspx>

# DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

## I. DEMOGRAPHICS

Decedent's Name										Investigating Agency's Case No.					Coroner's Case No.				
Last			First			MI													
Date of Birth					Date of Death					Sex					Decedent's Race/Ethnicity				
Mo		Day		Yr	Mo		Day		Yr	<input type="checkbox"/> Male <input type="checkbox"/> Female									
Home Address (Number, Street)										Time of Death									
										<input type="checkbox"/> Found <input type="checkbox"/> Pronounced									
City					State					Zip Code					County				
Primary Language Spoken in Home										Social Security No. of Decedent									
<input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other _____ <input type="checkbox"/> Interpreter Needed																			
Mother's Name					Relationship					Race/Ethnicity					Marital Status				
Last		First			MI		<input type="checkbox"/> Natural <input type="checkbox"/> Adoptive <input type="checkbox"/> Step <input type="checkbox"/> Other (Specify: _____)					<input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Not Married <input type="checkbox"/> Widowed							
Date of Birth			Age		Yrs. of Education		CDL #			Telephone No.			On Public Assistance?						
Mo		Day		Yr						(    )			<input type="checkbox"/> Yes <input type="checkbox"/> No						
Address (If Different from Infant)					City					State					Zip Code				
Father's Name					Relationship					Race/Ethnicity									
Last		First			MI		<input type="checkbox"/> Adoptive <input type="checkbox"/> Other <input type="checkbox"/> Natural <input type="checkbox"/> Step												
Date of Birth			Age		Yrs. of Ed.		CDL #			Telephone No.									
Mo		Day		Yr						(    )									
Address (If Different from Infant)					City					State					Zip Code				
Other Caregiver's Names					Date of Birth					Address									
Last		First			Mo		Day		Yr	Number, Street									
Siblings					Date of Birth			Age		Sex									
					Mo		Day	Yr			<input type="checkbox"/> Male <input type="checkbox"/> Female								
										<input type="checkbox"/> Male <input type="checkbox"/> Female									
										<input type="checkbox"/> Male <input type="checkbox"/> Female									
										<input type="checkbox"/> Male <input type="checkbox"/> Female									
Other Adults in Residence					Date of Birth			Age		Relationship									
					Mo		Day	Yr											
Other Children in Residence (Non-Siblings)					Date of Birth			Age		Relationship									
					Mo		Day	Yr											

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

II. SCENE EXAMINATION

1. EMS/Police/Fire/Coroner Scene Response

911 Call:
Date: Mo Day Year

EMS Arrival:
Date: Mo Day Year

Time:

Time:

Police Arrival:
Date: Mo Day Year

Coroner Arrival:
Date: Mo Day Year

Time:

Time:

Transport:

Ambulance Company:

Telephone:

Private Vehicle Type:

Owned By:

Not Taken to a Medical Facility (Skip to Question 3)

2. Place Where Death Pronounced

Hospital Name: En Route or DOA In-patient

Address: Street City State Zip

Other Site:

Address: Street City State Zip

By Whom: Date: Mo Day Year Time:

3. Location Where Infant Found

- Residence: Apartment, Rooming House, Single Detached, Condo, Multi-Family Occupancy, Mobile Home, Public Housing Project, Other (Specify: )

Address: Street City State Zip

County Phone

- Child Care Facility: Licensed? Yes/No, License #: Relative of Decedent? Yes/No, Relationship: No

- Mobile Vehicle: Type: Where Parked: Street/Off Road

Vehicle Location When Infant Found:

Address: Street City State Zip

County

- Other (Specify: )

**DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL**

Please Type or Print

**4. Clothing on Body at Time Found Unresponsive**

Intact     Partially Clothed     Unclothed     Clothing Inventory (List: \_\_\_\_\_)

**5. Clothing Soiled By (Check all that apply)**

Blood     Urine     Feces     Vomitus     Mucus     Food     None  
 Other (Specify: \_\_\_\_\_)

**6. Diaper**

a. Type:             Cloth     Disposable     None     Unknown  
b. Diaper Contents:     Dry     Blood     Feces     Urine     Foreign Material     Unknown  
c. Removed After Death?     Yes     No     Unknown     Other (Specify: \_\_\_\_\_)

**7. Postmortem Changes When Found**

a. Rigor Mortis     Yes     No  
b. Blanching     Yes     No  
c. Lividity     Yes     No             Consistent with Infant's Position When Found             Fixed

**8. Body Warm to Touch?**

Yes                             No

**9. Body Temperature**

Date Taken: \_\_\_\_\_                            Time Taken: \_\_\_\_\_                            By Whom: \_\_\_\_\_  
                          Mo   Day   Year  
Temperature: \_\_\_\_\_ °F     Rectal                             Other Site: \_\_\_\_\_                             Unknown

**10. Mouth and Nostrils**

Occluded     Secretions     Vomitus     Blood     Foreign Objects     Other (Specify: \_\_\_\_\_)

**11. Hydration**

Mucus Membranes Dry?                             Yes                            (Describe: \_\_\_\_\_)                             No  
Skin Tenting Present?                             Yes                             No  
Eyes Sunken?                             Yes                             No

**12. Evidence of Trauma? (Provide Photographic Documentation & Completed Diagrams at the End of this Protocol)**

a. **Abrasions:**  
 Yes                            Where: \_\_\_\_\_  
 No  
 Unknown

b. **Bruises:**  
 Yes                            Where: \_\_\_\_\_  
 No  
 Unknown

c. **Lacerations:**  
 Yes                            Where: \_\_\_\_\_  
 No  
 Unknown

d. **Other Injuries:**  
 Yes                            Specify: \_\_\_\_\_  
 No  
 Unknown

**13. Postmortem or Perimortem Injuries?**

Yes (Describe: \_\_\_\_\_)                             No                             Unknown  
\_\_\_\_\_  
\_\_\_\_\_  
If Yes, Were Injuries Related to Resuscitation?                             Yes                             No                             Unknown

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

III. DEATH SCENE/CIRCUMSTANCES OF DEATH

14. Room Where Infant Found

- Decedent's Bedroom, Parent's Bedroom, Other (Specify: \_\_\_\_\_)

Photographs Taken? Yes No By Whom: \_\_\_\_\_ Agency: \_\_\_\_\_

15. Sleeping Site Where Infant Found

- Adult Bed, Conventional Mattress, Water Mattress, Crib, Other, Floor, Bassinet, Couch, Car Bed/Seat, Chair, Bean Bag, Drawer, Playpen

16. Co-Sleeping

Infant sleeping in "Bed" with someone else? Yes No

If Yes, describe others in "Bed":

- Mother, Father, Other Adult, Other Children (Total Num: \_\_\_\_\_) Age Est. weight Est. height

Describe relative position of Infant (Also use diagram in Section VII):

- Between 1 individual and edge of bed, Between 1 individual and wall, Between 2 individuals

17. Objects in Bed With Infant When Found Unresponsive (Check all that apply)

- Blanket(s) Over or Around Infant, Blanket(s) Over the Head, Blanket(s) Under Infant, Pacifier, Toys, None, Pillows, Bumper Pads, Plastic Bags, Other (Specify: \_\_\_\_\_)

18. Bedding (Check all that apply)

a. Was Bedding Over Baby Soiled By:

- Blood, Vomitus, Urine, Feces, None, Not Applicable, Other (Specify: \_\_\_\_\_)

b. Was Bedding Under Baby Soiled By:

- Blood, Vomitus, Urine, Feces, None, Not Applicable, Other (Specify: \_\_\_\_\_)

19. Infant Placed

- On Back, On Side, On Stomach, Date: Mo Day Year Time: \_\_\_\_\_ By Whom: \_\_\_\_\_

20. Infant's State Immediately Prior To Being Found Unresponsive

- Awake, Asleep, Unknown, Body Position of Infant When Last Seen Alive: On Back, On Side, On Stomach

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

21. Infant Found Unresponsive

Date: \_\_\_\_\_  
Mo Day Year

Time: \_\_\_\_\_

By Whom: \_\_\_\_\_

a. Body Position:

- On Back
- On Side
- On Stomach

b. Face Position:

- Face Down
- Face to Side
- Face Up

c. Head Position:

- Neutral
- Tilted Left
- Tilted Right

d. Neck Position:

- Extended Backwards
- Flexed Forward
- Neutral
- Unknown

e. Baby Sweaty When Found:

- Yes
- No

f. Material in Nose or Mouth When Found:

- No
- Bloody
- Other (Specify: \_\_\_\_\_)

22. Environmental Factors at Location Where Infant Found

a. Temperature:  Outside: \_\_\_\_\_ °F  Inside \_\_\_\_\_ °F  Estimate

b. General Quality of Housing:

- Below Standard
- Standard
- Above Standard

c. General Quality of Neighborhood:

- Good
- Poor

d. Heating:

- On
- Off

Type:  Electric  Fireplace  Forced Air  Gas  Kerosene  Oven  
 Propane  Wood Stove  Other (Specify: \_\_\_\_\_)  None

e. Air Conditioning:

- On
- Off

Type:  Central  Fan  Swamp Cooler  None  Other (Specify: \_\_\_\_\_)

f. Room Ventilation: (Check all that apply)

- Fan On
- Open Windows
- None
- Unknown
- Other (Specify: \_\_\_\_\_)

g. Bedside Humidifier/Vaporizer:

- On
- Off
- None

h. Floor in Room Where Baby Found:

- Carpet
- Concrete
- Dirt
- Linoleum
- Wood
- Other (Specify: \_\_\_\_\_)

i. Housekeeping:

- Neat and Clean
- Cluttered but Clean
- Filthy and Cluttered
- Other (Specify: \_\_\_\_\_)

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

23. If Residence or Child Care Facility

Number of Adults: \_\_\_\_\_

Number of Children: \_\_\_\_\_

24. Physical Items Collected - Mandatory When Available (Check all that apply)

Collected by: \_\_\_\_\_

- Checkboxes for: Clothes, Diapers, Drug Paraphernalia, Other, Feeding Formulas, Over the Counter Drugs, Folk Remedies, Medications, Trace Evidence, Unwashed or Partially Consumed Bottles, None.

25. Discretionary Items Collected If Relevant (Check all that apply)

- Checkboxes for: Bedding, None, Toys, Other, Honey, if fed within 30 Days of Death.

IV. HISTORY OF ATTEMPTED RESUSCITATION

26. Attempted Resuscitation

a. Mouth-to-Mouth Ventilation?

- Yes/No checkboxes

b. Bag and Mask Ventilation?

- Yes/No checkboxes

c. Oral Airway Placement?

- Yes/No/Attempted checkboxes

d. Intubation?

- Yes/No/Attempted checkboxes

e. Cardiac Compression?

- Yes/No checkboxes

f. Intravenous Fluids?

- Yes/No checkboxes

g. Intracardiac Medications?

- Yes/No checkboxes

h. Intraosseous Lines? (catheter in shinbone)

- Yes/No checkboxes

i. Placed on Life Support?

- Yes/No checkboxes, Duration: \_\_\_\_\_

j. Body Temperature Taken Near Time of Resuscitation: \_\_\_\_\_ °F [Rectal/Other Site checkboxes]

k. Initial Cardiac Rhythm Recorded?

- Yes If yes: A systole/Other checkboxes

l. Normal Cardiac Rhythm Restored?

- Yes/No checkboxes, Duration of CPR: \_\_\_\_\_ minutes

m. Duration of Survival after Resuscitation: \_\_\_\_\_ [Minutes/Hours checkboxes]

n. Location(s) of Resuscitation(s): \_\_\_\_\_

By Whom: \_\_\_\_\_

Agency/ID#: \_\_\_\_\_

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

V. MEDICAL HISTORY

27. Infant Ill Within 48 Hours Before Death

a. Runny Nose?

- Yes
- No

b. Vomiting?

- Yes (How Many Times: \_\_\_\_\_)
- No

c. Diarrhea?

- Yes (How Many BM's: \_\_\_\_\_)
- No

d. Pneumonia?

- Yes
- No

e. Body Temperature?

- Yes (Temperature: \_\_\_\_\_ °F)
- If yes:  Rectal  Other site: \_\_\_\_\_
- No

f. Seizure/Convulsion?

- Yes (Date: \_\_\_\_\_ Mo Day Year)
- No

g. Cough?

- Yes If yes:  Productive
- No

h. Respiratory Distress?

- Yes (Date: \_\_\_\_\_ Mo Day Year)
- No

i. Constipation?

- Yes
- No

j. Poor Feeding?

- Yes
- No

k. Poor Appetite?

- Yes
- No

l. Colic (Abdominal Cramps)?

- Yes
- No

m. Other (Specify: \_\_\_\_\_)

28. Infant Ill 48 Hours to 2 Weeks Before Death

a. Runny Nose?

- Yes
- No

b. Vomiting?

- Yes (How Many Times: \_\_\_\_\_)
- No

c. Diarrhea?

- Yes (How Many BM's: \_\_\_\_\_)
- No

d. Pneumonia?

- Yes
- No

e. Body Temperature?

- Yes (Temperature: \_\_\_\_\_ °F)
- If yes:  Rectal  Other site: \_\_\_\_\_
- No

f. Seizure/Convulsion?

- Yes (Date: \_\_\_\_\_ Mo Day Year)
- No

g. Cough?

- Yes If yes:  Productive
- No

h. Respiratory Distress?

- Yes (Date: \_\_\_\_\_ Mo Day Year)
- No

i. Constipation?

- Yes
- No

j. Poor Feeding?

- Yes
- No

k. Poor Appetite?

- Yes
- No

l. Colic (Abdominal Cramps)?

- Yes
- No

m. Other (Specify: \_\_\_\_\_)

29. Medications Within 48 Hours Prior to Death

a. Antibiotics?

- Yes (Name: \_\_\_\_\_)
- No

b. Anticonvulsants?

- Yes (Name: \_\_\_\_\_)
- No

c. Aspirin?

- Yes
- No

d. Acetaminophen (Tylenol)?

- Yes
- No

e. Ibuprofen (Motrin/Advil)?

- Yes
- No

f. Cold Remedies?

- Yes (Name: \_\_\_\_\_)
- No

g. Folk Remedies?

- Yes (Type: \_\_\_\_\_)
- No

h. Other (Specify): \_\_\_\_\_  
\_\_\_\_\_

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

30. Exposure History

a. Was the decedent recently exposed to an ill person?

Yes No Unknown Relationship to Infant: Nature of Illness:

b. Was decedent recently exposed to an ill animal? Yes No Unknown Type:

31. Recent Behavior Change?

Yes No (Describe: )

32. Recent Change in Sleep Pattern?

Yes No (Describe: )

33. Usual Sleep Position?

On his/her side On his/her back On his/her stomach

34. Pacifier Used?

Yes No

35. Tobacco Smoke Exposure?

Yes No

Other Smoke Exposure?

Yes No Type:

36. Feeding History

a. Food Intolerance?

Yes No Unknown

b. Breast Milk in Diet when Infant Died?

Yes No

c. Formula?

Yes No (Type: )

d. Time of Last Feeding Before Death:

e. Amount of Food Taken (oz.): Unknown

f. Diet (Other than Formula):

g. Honey Within 30 Days of Death? Yes No Unknown

37. Recent History of Infant Traveling

Yes No Where: From: to

38. Was the Infant Cared for by Someone Other Than Parents?

Yes No

a. If yes, for how long?

b. Child Care Provider? Yes No License Number:

c. Relative of Decedent? Yes No Relationship:

d. Foster Care? Yes No

e. Name of Person Caring for Infant:

Address: Street City State Zip County Phone

**DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL**

Please Type or Print

**39. History of Injuries or Trauma**

- a. **Head Injury?**  Yes (Specify: \_\_\_\_\_)  No
- b. **Loss of Consciousness?**  Yes When: \_\_\_\_\_  No  
 Mo Day Year
- c. **Lethargy?**  Yes  No  No
- d. **Seizure?**  Yes When: \_\_\_\_\_ Type: \_\_\_\_\_  No  
 Mo Day Year
- e. **Fractures?**  Yes (Specify: \_\_\_\_\_)  No
- f. **Suspected Child Abuse?**  Yes  No
- Access the Child Abuse Central Index (CACI)** \*(Obtain directly from index, not from parents. See instructions.)
- g. **Was there documented history of child abuse?**  Yes  No

**40. Previous Illness (May need to contact Mother, Obstetrics, Delivery Records)**

- a. **Respiratory Disease?**  Yes (Describe: \_\_\_\_\_)  No
- b. **Heart Disease?**  Yes (Describe: \_\_\_\_\_)  No
- c. **Apnea (Stopped Breathing)?**  Yes Date: \_\_\_\_\_ How Often: \_\_\_\_\_  No  
 Mo Day Year
- d. **Seizure?**  Yes Date: \_\_\_\_\_ How Often: \_\_\_\_\_  No  
 Mo Day Year
- e. **Other (Specify):** \_\_\_\_\_

**41. Aside From that Used in Resuscitation, Did Infant Previously Require? (Answer Every Question)**

- a. **Oxygen?**  Never  Yes, Within Last Week  Yes, But Not Within Last Week
- b. **Apnea Monitor?**  Never  Yes, Within Last Week  Yes, But Not Within Last Week
- c. **Antibiotics?**  Never  Yes, Within Last Week  Yes, But Not Within Last Week
- d. **Anticonvulsants?**  Never  Yes, Within Last Week  Yes, But Not Within Last Week
- e. **Other (Specify):** \_\_\_\_\_

**42. Last Seen By Doctor or Health Professional**

- Date Last Seen:** \_\_\_\_\_ Medications prescribed:  Yes  No Type: \_\_\_\_\_  
 Mo Day Year
- a. **Routine Well Baby Exam**  Yes  No If Not Routine Exam, Specify Reason: \_\_\_\_\_
- b. **Weight:** \_\_\_\_\_ lbs. c. **Height:** \_\_\_\_\_ inches d. **Temperature:** \_\_\_\_\_ °F
- e. **Name of Health Care Provider:** \_\_\_\_\_
- Address:** \_\_\_\_\_  
 Street City State Zip  
 County Phone

**43. Immunizations**

- Yes  No
- a. **Most Recent Immunization:** Date: \_\_\_\_\_ Type: \_\_\_\_\_  
 Mo Day Year
- b. **Total Number of Immunizations Since Birth:**
- |       |       |                                   |       |                 |       |
|-------|-------|-----------------------------------|-------|-----------------|-------|
| Polio | _____ | Meningitis Varicella (Chickenpox) | _____ | Haemophilus HIB | _____ |
| DTaP  | _____ | Measles, Mumps Rubella (MMR)      | _____ | Hepatitis B     | _____ |

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

44. Hospitalizations

Hospitalized Other Than at Birth?

Yes  No

Reason: \_\_\_\_\_

Date: \_\_\_\_\_  
Mo Day Year

Hospital: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
Street

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip

45. Surgeries (Not Previously Noted)

Did Infant Ever Have Surgery?

Yes  No

Reason: \_\_\_\_\_

Date: \_\_\_\_\_  
Mo Day Year

Hospital: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
Street

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip

46. Birth History

a. Place of Birth?

Home  Hospital

Other (Specify: \_\_\_\_\_)

\_\_\_\_\_ County

Address: \_\_\_\_\_  
Street

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip

b. Are Decedent's Mother and Father Blood Related?

Yes  No

c. Birth Weight: \_\_\_\_\_ lbs. \_\_\_\_\_ ozs.

Unknown

d. Multiple Birth?  Yes (Specify: Twin, Triplet, etc.: \_\_\_\_\_)

No

e. Infant Delivered:

Vaginally  Breech  C-Section

47. Prenatal Care

Did the Decedent's Mother Receive Prenatal Care?

Yes  No

a. Physician/Health Care Provider: \_\_\_\_\_

b. Month of Gestation When Care Began: \_\_\_\_\_

c. Estimated Number of Prenatal Visits: \_\_\_\_\_

48. Illnesses During First Week of Life

a. Prematurity?

Yes (# wks gestation: \_\_\_\_\_)

No

b. Resuscitation in Delivery Room?

Yes

No

c. Neonatal Intensive Care Unit?

Yes

No

d. Apnea?

Yes

No

e. Neonatal Lung Disorder?

Yes

No

f. Seizure?

Yes

No

g. Jaundice Requiring Treatment?

Yes

No

h. Meconium Aspiration?

Yes

No

i. Other (Specify: \_\_\_\_\_)

49. Mother's Pregnancy History

Number of Previous Pregnancies: \_\_\_\_\_

Number of Live Births: \_\_\_\_\_

Number of Miscarriages/Abortions (spontaneous and/or induced): \_\_\_\_\_

DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

Please Type or Print

50. History of Fertility Treatment?

Yes  No

51. Maternal Health Problems During Pregnancy

- a. Anemia?  Yes  No
b. Diabetes Mellitus?  Yes  No
c. Required Insulin?  Yes  No
d. High Blood Pressure?  Yes  No
e. Infections?  Yes  No
f. Physical Trauma?  Yes  No
g. Sexually Transmitted Infection?  Yes  No
h. Other (Specify: \_\_\_\_\_)

52. Maternal Medications During Pregnancy

- a. Antibiotics?  Yes (Name: \_\_\_\_\_)  No
b. Anticonvulsants?  Yes (Name: \_\_\_\_\_)  No
c. Pain Medications?  Yes (Name: \_\_\_\_\_)  No
d. Thyroid?  Yes  No
e. Hormones?  Yes (Name: \_\_\_\_\_)  No
f. Other Prescription Drugs?  Yes (Name: \_\_\_\_\_)  No
d. Cold Remedies?  Yes (Name: \_\_\_\_\_)  No
e. Other Over-the-Counter Drugs?  Yes (Name: \_\_\_\_\_)  No
f. Other Medications? (Incl. Herbal)  Yes (Name: \_\_\_\_\_)  No

53. Alcohol Use

Maternal Alcohol Use During Pregnancy?  Yes Greatest # of Drinks at One Time: \_\_\_\_\_  No

54. Controlled Substances/Drugs

Maternal Use of Controlled Substances/Drugs During Pregnancy?  Yes (Type: \_\_\_\_\_)  No

55. Tobacco

Maternal Use of Tobacco During Pregnancy?  Yes # of Cigarettes per Day: \_\_\_\_\_  No

56. Family History

- a. Congenital Anomalies?  Yes (Describe: \_\_\_\_\_)  No  Unknown
b. Infant/Childhood Death?  Yes How Many: \_\_\_\_\_ Relationship(s) to Infant: \_\_\_\_\_  No  Unknown
Cause of Death: \_\_\_\_\_
Relationship to Infant
c. SIDS?  Yes \_\_\_\_\_  No  Unknown
d. Sudden Unexpected Death of an Infant?  Yes \_\_\_\_\_  No  Unknown
e. Prematurity?  Yes \_\_\_\_\_  No  Unknown
f. Chronic or Recurrent Infections?  Yes \_\_\_\_\_  No  Unknown
g. Pneumonia?  Yes \_\_\_\_\_  No  Unknown
h. Trauma (Life Threatening)?  Yes \_\_\_\_\_  No  Unknown
i. Alcohol Abuse?  Yes \_\_\_\_\_  No  Unknown
j. Drug Abuse?  Yes \_\_\_\_\_  No  Unknown
k. Serious Physical Mental Illness?  Yes \_\_\_\_\_  No  Unknown
l. Police Called to Home in Past?  Yes \_\_\_\_\_  No  Unknown
m. Prior Contact with Social Services?  Yes \_\_\_\_\_  No  Unknown





**DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL**

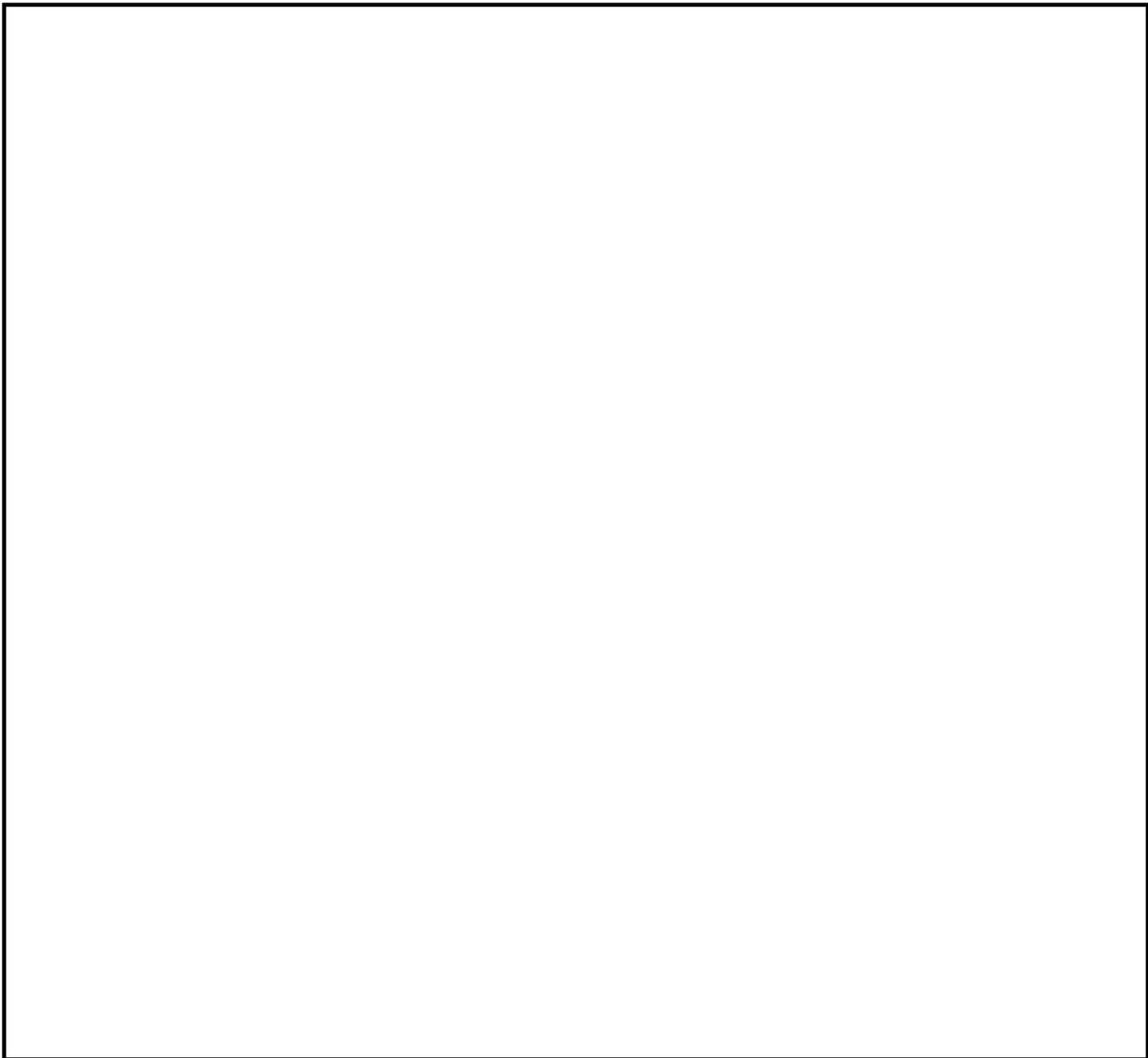
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**VII. ROOM DIAGRAM**

**62. Use figure to indicate the characteristics of the room where infant was found unresponsive.**

Indicate the following on the diagram (check when done):

- North Direction
- Windows and doors
- Wall Lengths
- Ceiling height \_\_\_\_
- Location of furniture
- Location of crib, bed or other sleep surface
- Location of infant when found
- Location of other items and individuals in bed
- Location of other objects in room
- Location of heating and cooling supplies and returns



DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL

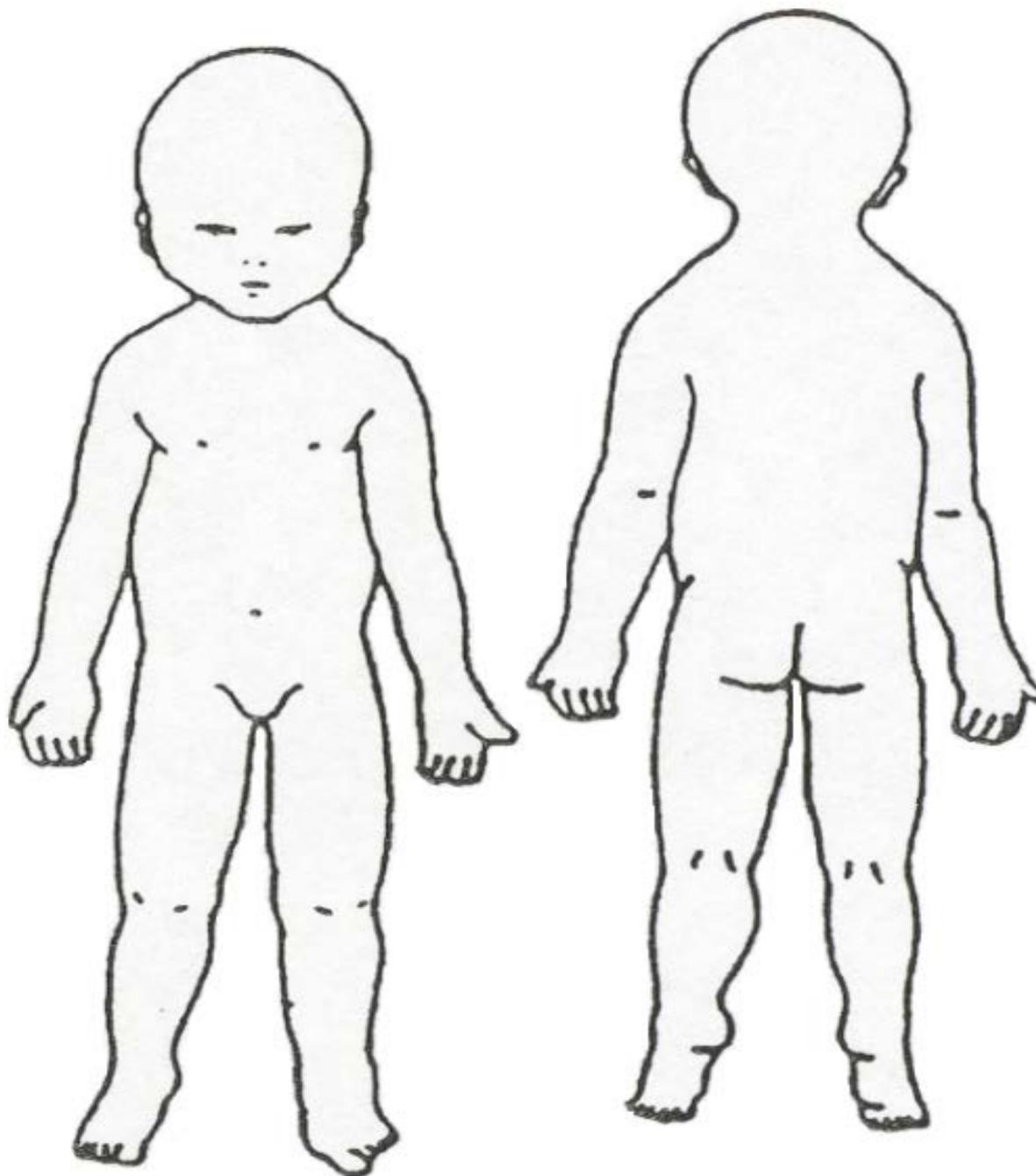
Please Type or Print

VIII. BODY DIAGRAM

63. Use diagram below to indicate any of the checked items.

Check all that apply and indicate on the diagram:

- Drainage or discharge from body or orifices
- Marks or bruises
- Location of diagnostic or therapeutic devices
- Pale pressure mark areas
- Predominate areas of lividity



**DEATH SCENE AND DEPUTY CORONER INVESTIGATION PROTOCOL**

Please Type or Print

**IX. SUPPLEMENT**

Empty box for supplement content.

## Resources.pdf

# EMERGENCY RESOURCES – 24 HOURS A DAY / 7 DAYS A WEEK

## LOCAL CRISIS LINES

### **Behavioral Health Crisis Line**

530-265-5811  
888-801-1437 (Truckee)

### **Domestic Violence & Sexual Assault Coalition (DVSAC)**

530-272-3467

### **Communities Beyond Violence**

530-272-3467

### **KARE Crisis Nursery**

Respite for parents with children  
0-6 years of age  
530-265-6520

### **Nevada County Helpline**

530-273-2273

### **Mental Health Urgent Care Center (CSU)**

530-470-2425 Located at SNMH

## REGIONAL CRISIS LINES

### **California Poison Control Center**

800-222-1222

### **California Youth Crisis Line**

800-843-5200

## NATIONAL CRISIS LINES

### **National Suicide Prevention Lifeline**

1-800-273-8255 / 1-800-273-TALK  
1-888-628-9454 (SPANISH)

### **Crisis Text Line**

Text START to 741-741

### **Friendship Line for Seniors**

800-971-0016

## SUICIDE PREVENTION & SUPPORT

### **LGBTQ Youth Suicide Hotline**

866-448-7386

### **National Suicide Lifeline**

800-273-8255  
800-799-4889 TDD

## VETERAN'S CRISIS

### **Military Crisis Line**

800-273-8255, Vets press #1  
Text 838255

### **Sexual Assault Support**

877-995-5247  
Text zip code to 55-247

## LOCAL HELP LINES

### **211 Nevada County 24/7**

Information and Assistance  
211  
877-847-0499 – out of area

### **Nevada County Adult Protective Services 24/7**

530-265-1217  
888-339-7248

### **Nevada County Child Protective Services 24/7**

530-273-4291  
888-456-9380

### **Nevada County Child Support Services**

866-901-3212

### **Home Team Outreach**

530-470-2686

### **Senior Assistance Line**

211  
877-847-0499 – out of area

## REGIONAL HELP LINES

### **California HIV/AIDS Hotline**

800-367-2437  
888-225-2437 TTY

### **California Missing Persons Hotline 24/7**

800-222-3463

### **California Smokers Helpline**

800-662-8887

### **DMV**

800-777-0133

### **Dating Abuse 24/7**

866-331-9474  
866-331-8453 TTD  
Text loveis to 22522

### **Tobacco Snuff or Chew Helpline**

800-844-2439

## NATIONAL HELP LINES

### **Social Security**

866-931-6087

## FAMILY AND YOUTH SUPPORT

### **National Runaway Switchboard**

800-786-2929

### **Thursday's Child/National Call Center for Endangered Youth**

Crisis counseling and intervention  
800-872-5437/800-USA-KIDS

### **Wellspace Health Center**

Mental health care and suicide hotline  
800-273-8255

### **Rape, Abuse and Incest Hotline**

800-656-4673

## MEDICAL INFORMATION HELPLINES

### **Anthem Nurse Line 24/7**

800-224-0336

### **Blue Shield of California Nurse Line 24/7**

800-304-0504

### **California Health & Wellness NurseWise 24/7**

877-658-0305

### **Baby Safe Haven 24/7**

888-510-2229

### **Drug & Alcohol Treatment Hotline**

800-662-4357

### **National AIDS & STDS Hotline**

800-232-4636

### **National Eating Disorders Association**

800-931-2237

## SUBSTANCE AND SELF INJURY HELPLINES

### **Al-Anon/Alateen Meetings**

530-268-4558

### **Alcoholics Anonymous Helpline 24/7**

530-272-6287

### **Narcotics Anonymous Hotline**

888-423-3428

### **Self Abuse Finally Ends**

800-366-8288

### **Sex Addicts Anonymous**

800-477-8191

### **SAMHSA's Helpline**

800-662-4357

## VETERANS SUPPORT LINES

### **US Department of Defense –**

Sexual Assault Support  
877-995-5247

### **Nevada County Veterans Services**

530-273-3396

### **Welcome Home Vets, Inc.**

530-272-3300

## **TRUCKEE**

### **Community Recovery Resources CORR**

530-587-8194

### **Community Collaborative of Tahoe Truckee**

www.communitycollaborative.org

### **Project Mana**

Food Bank and Food Resources  
775-298-0008

### **Tahoe Forest Hospital**

530-587-6011

### **Tahoe Safe Alliance 24/7**

Domestic Violence Hotline  
800-736-1060

### **Truckee Family Resource Center**

530-587-2513

### **Truckee Police Department**

530-550-2323

### **Truckee Transit**

530-550-7451

# SUPPORT SERVICES

## AGING AND DISABILITY

**FREED Center for Independent Living**  
530-477-3333

**Gold Country Community Services**  
530-273-4961

**Senior Outreach Nurse/ Social Outreach Nurse**  
530-265-1470

## CHILDREN AND FAMILY

**Family Resource Centers**  
**Grass Valley**  
530-273-4059  
**Penn Valley**  
530-432-1118 Ext. 249  
**San Juan Ridge**  
530-292-3174

**Friends for Survival**  
Suicide Bereavement Support  
916-392-0664

**PFLAG**  
LGBTQ community support  
530-274-1423

**Sierra Nevada Children's Services – SNCS**  
530-272-8866

**What's Up?**  
**Wellness Check Ups**  
Mental Health Screening for Teens  
530-268-5854

**Nevada County WIC**  
**Woment, Infant's & Children**  
530-265-1454

## CLOTHING/SUPPLIES

**Sierra Roots- Outreach Supplies**  
530-751-3263

**Partners Family Resource Center**  
**Children Supplies**  
530-273-4059

## EMERGENCY SERVICES

**Emergency**  
911

**Grass valley Police Department**  
530-477-4600

**Nevada City Police Department**  
530-265-2626

**Nevada County Sheriff's Office**  
530-265-1471

**Sierra Nevada Memorial Hospital**  
530-274-6000

## EMPLOYMENT / TRAINING

**Nevada County Business and Career Network**  
530-265-7088

**CalWORKS Employment**  
530-265-1760

## FOOD RESOURCES

**Food Band of Nevada County of Nevada**  
530-272-3796

**Interfaith Food Ministry**  
530-273-8132 Mon, Wed, Fri 10am-1pm

**Sierra Roots Weekly Lunches**  
530-751-3263 Mon & Thurs Pioneer Park

## HEALTH SERVICES

### CLINICS – ACCEPT MEDICAL

**Chapa De Indian Health Clinic**  
530-477-8545

**Living Well Medical Clinic**  
530-272-6800

**Sierra Family Medical Clinic (North San Juan)**  
530-292-3478

**The Clinic!**  
Citizens for Choice  
530-521-3273 or  
800-714-8151 24/7

**Western Sierra Medical Clinic / Miners Family Health Center**  
530-274-9762

**Western Sierra Medical Clinic (Whispering Pines)**  
530-273-9340

**Outreach CMSP, Dana Zickefoose**  
530-798-8420

## COMMUNITY

**211 Nevada County 24/7**  
Information and Assistance  
211  
877-847-0499 – out of area

**Suicide Prevention Task Force**  
Meets monthly  
530-265-1731

## DRUG AND ALCOHOL

**Common Goals**  
530-274-2000

**Community Recovery Resources CORR**  
530-273-9541

**Progress House**  
530-626-9240

**Behavioral Health NC Walk-in Clinic**  
530-265-1437 Mon-Fri 9am-12pm

**Outreach Case Manager, Rob Barker SUDCC**  
530-615-7873

## MENTAL HEALTH

**Anew Day**  
Free faith-based counseling  
530-470-9111

**NAMI Nevada County**  
Support for persons with mental illness and their families  
530-272-4566

## MENTAL HEALTH (CON'T)

**Insight Respite Center**  
530-273-0631

**Nevada County Behavioral Health**  
Adults 530-265-1437  
Children 530-470-2736  
[www.mynevadacounty.com](http://www.mynevadacounty.com)

**Nevada County Victim/Witness Assistance**  
Counseling for victims of crime  
530-265-1301

**Spirit Peers For Independence & Recovery**  
Free peer based support  
530-274-1431

**Western Sierra Medical Clinic / Miners Family Health Center**  
530-274-9762  
Accepts MediCal

## HOUSING RESOURCES

**Co-Living Network**  
530-615-1014

**Hospitality House**  
**Utah's Place Shelter**  
530-271-7144

**Salvation Army**  
Booth Family Center  
530-272-2669

## LEGAL SERVICES

**Legal Services of Northern California – Nevada County**  
530-470-8562

**Community Legal**  
530-265-3425

**Nevada County Alcohol and Drug Court Programs**  
530-265-1437  
[www.mynevadacounty.com](http://www.mynevadacounty.com)

**Nevada County Mental Health Court**  
530-265-1437

**Laura's Law**  
Assist access to mental health treatment for people with severe mental illness  
530-265-1437

## Transportation

**211 Nevada County 24/7**  
Trip planning  
211  
877-847-0499 – out of area

**Gold Country Lift**  
Paratransit services  
530-271-7433  
855-341-7433

**Nevada County Transit**  
**Gold Country Stage**  
Fixed route transit services  
530-477-0103  
888-660-7433

**HAT Van**  
530-615-7609 Mon-Fri 10:30am-4pm

**Outreach CMSP, Dana Zickefoose**  
530-798-8420 Rides to Medical Provider

## Payment Acknowledgement Form.pdf

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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Nevada County Sheriff's Office Payment Acknowledgement Form

I, \_\_\_\_\_, have received \$\_\_\_\_\_ from the Nevada County Sheriff's Office as other income. I understand I am required to report cash payments totaling over \$600 in one calendar year to the Internal Revenue Service as "other income".

\_\_\_\_\_  
Informant Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Informant Signature

## **208 Retiree Attestation.pdf**

**Notice Of Administrative  
Investigation and Interview.pdf**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR**

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RE: NOTICE OF ADMINISTRATIVE INVESTIGATION AND INTERVIEW

DATE: \_\_\_\_\_

FROM: \_\_\_\_\_

SUBJECT: Notice of Administrative Investigation and Interview.

An investigation of suspected misconduct by an employee or member of this department is being conducted. You have been identified as:

( ) The employee suspected of misconduct. Employees accused or suspected of misconduct should be aware that subsequent investigation/testimony may be used against them in administrative proceedings and may be discoverable pursuant to the Evidence Code. Employees so accused or suspected are entitled to specific procedural rights under Government Code Section 3300 et seq., or pursuant to labor agreements between their bargaining unit and the county. These rights include a right to representation by a person of their choosing who is not involved in the same investigation either as a witness or suspect. If desired it is the employee's responsibility to secure representation prior to the date and time of the scheduled interrogation.

( ) A witness to the incident. Personnel interviewed as witnesses are neither the subject of the investigation nor is a punitive action proposed or contemplated against the employee as a result of the alleged incident at this time. As this is an administrative inquiry, you are being ordered by the Sheriff to cooperate and answer all questions asked of you truthfully. Failure to cooperate or answer questions truthfully will be deemed as insubordination, and punitive action will be taken. If during the investigation information is discovered wherein punitive action is possible or contemplated, you will be advised of that fact and offered all of those rights afforded to an employee suspected of misconduct. As a witness, you do have the right to representation by a person of your choosing who is not involved in the same investigation either as a witness or suspect. If desired, it is the employee's responsibility to secure representation prior to the date and time of the scheduled interview.

In order to complete this investigation, you are required to furnish a detailed account of your action and/or observations as soon as possible. You are hereby instructed not to discuss the substance of the investigation with anyone with the exception of your attorney or representative.

The Investigator assigned to this investigation will contact you and/or your representative to schedule the date and time of your interview.

## **Administrative Admonishment.pdf**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR**

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**ADMINISTRATIVE ADMONISHMENT**

Investigation Number: \_\_\_\_\_

You are hereby advised that:

An Administrative Investigation is in progress within this office in which it has become necessary to obtain a statement from you. If you cooperate fully at this time, your statement and any evidence arising therefrom may be used in any and all proceedings arising out of this Administrative Investigation. As a citizen and employee of this office, you are hereby advised that if prior to or during the taking of your statement this office determines that you may be charged with a criminal offense, you will be advised of your constitutional rights before questioning proceeds or continues.

If you decide not to give a statement at this time, you are now ordered, as an employee of this office, to answer all questions asked by investigators and to give a full, detailed, and complete statement regarding your knowledge of or involvement in the matter now under investigation. Having been so ordered, any statements that you made cannot be used against you in any criminal proceedings. Your fitness to remain employed by this office is the object of this portion of the investigation, and you are hereby directed to cooperate fully with investigators so that a decision on your job status may be made as soon as possible. If you fail to comply with this order, you may be dismissed from employment with this agency on the grounds of willful disobedience and insubordination.

Assuming that you now comply with this order and cooperate fully in this investigation, your statements and any evidence obtained through such statements will be used, as to you, solely to determine whether disciplinary action is necessary. False statements, of course, will result in severe disciplinary action, up to and including termination.

If you have any questions about your rights, you may ask them now.

I have read the above admonishment and order, and I fully understand my rights and duties in this investigation.

\_\_\_\_\_

Date

\_\_\_\_\_

Time

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Witness Signature

\_\_\_\_\_

Witness Signature

## **Hate Crimes Brochure.pdf**

## Information for victims

The California Victims' Bill of Rights Act – Marsy's Law – gives you these important legal rights:

### Get money for your losses

Apply for money to cover your property losses, medical expenses, lost wages, and other losses.

### Say how the crime impacted you

Tell the court how the crime impacted your life before the defendant is sentenced.

### Get information about the criminal case

Ask the prosecutor for certain information about the case.

### Get orders from the court

The court can make orders that could help you, such as a **protective order** to keep the defendant away from you or an **order to pay attorney fees** if you hired a lawyer to help with your case.

The court may also order the defendant to pay you \$25,000 or more for violating your civil rights. (Talk to a lawyer about your rights under the Ralph Act and the Bane Act.)

## Where to find help

- California Attorney General's Victims' Services Unit  
(877) 433-9069  
TTY: (800) 735-2929  
[www.oag.ca.gov/victimservices](http://www.oag.ca.gov/victimservices)
- California Department of Fair Employment and Housing  
(800) 884-1684  
TTY: (800) 700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)
- California Victim Compensation Board  
(800) 777-9229  
[www.vcgcb.ca.gov](http://www.vcgcb.ca.gov)
  - Find Your Local District Attorney's Office, Victim/Witness Assistance Center  
[www.vcgcb.ca.gov/victims/localhelp.aspx](http://www.vcgcb.ca.gov/victims/localhelp.aspx)
- U.S. Department of Justice, Community Relations Services  
(202) 305-2935  
[www.justice.gov/crs](http://www.justice.gov/crs)

For more information, or help with questions or concerns, contact:

### California Attorney General's Office Victims' Services Unit

P.O. Box 944255  
Sacramento, CA 94244-2550  
(877) 433-9069  
[www.oag.ca.gov/victimservices](http://www.oag.ca.gov/victimservices)



## What You Need to Know to Protect Yourself and Others



California Attorney General's Office  
Victims' Services Unit

*In California, you can be a victim of a hate crime if you have been targeted because of your:*

- » *race or ethnicity,*
- » *nationality, religion,*
- » *gender, sexual orientation,*
- » *physical or mental disability, or*
- » *your association with a person or group with one or more of these “actual” or “perceived” characteristics.*

## **Hate crime or hate incident?**

It is important to know the difference between a hate *crime* and a hate *incident*.

A **hate incident** is an action or behavior motivated by hate but legally protected by the First Amendment right to freedom of expression.

Examples of hate incidents include:

- name-calling,
- insults,
- distributing hate material in public places, and
- displaying hate material on your own property.

The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. If a hate incident starts to threaten a person or property, it may become a **hate crime**.

A **hate crime** is a crime against a person, group, or property motivated by the victim’s real or perceived protected social group. The law protects against many classes of hate crimes.

## **What to do if you witness a hate crime**

Report the crime to your local police or sheriff’s department. If hate crimes are not reported, the hate crimes may continue.

## **How to spot a hate crime**

Here are signs of a possible hate crime:

- The criminal chose the victim or property because they belonged to a protected group, like a certain religion or gender.
- The criminal made written or verbal comments showing a prejudice.
- The crime happened on a date that is important for the victim’s protected group.
- There is a lot of organized hate activity in the area.

*“When someone commits a crime motivated by hate, it is not just an attack on one innocent person, but an attack on the entire State.”*

*Xavier Becerra  
California Attorney General*

## **If you are a hate crime victim, you should:**

- Contact the local police or sheriff right away!
- Get medical attention (if you need it).
- Write down the exact words that were said.
- Make notes about any other facts so you don’t forget them.
- Save all evidence (e.g., graffiti, egg shells, writing on victim’s vehicle). If safe, wait until law enforcement arrives and takes photos.
- Get the names, addresses, phone numbers, and emails of other victims and witnesses.
- Try to get a description from any eyewitnesses of the criminal or the vehicle.
- Call community organizations in your area that respond to hate crimes.

## **What you and your community can do**

- Speak out against hate and intolerance.
- Have community rallies to support victims.
- Offer support and help to victims.
- Ask public officials to speak out against hate crimes.
- Establish a hate crime network that includes law enforcement, local government, schools, religious organizations and community organizations. Ask them to respond to hate crimes immediately when they happen and to promote prevention and awareness.

## **Elder-Abuse-First-Responder-Checklist.pdf**

# Elder Abuse First Responder Checklist

**Does the older adult have any impairments?**

- Hearing impaired/uses hearing aid
- Visually impaired (wears glasses, full or partial blindness, cataracts)
- Requires walker, wheelchair or cane
- Wears dentures

**Does the older adult take medications? If so, list:**

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**Does the older adult any medical conditions? If so, list:**

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**Can the older adult do the following things independently (without assistance)?**

- |                              |                              |                             |                                  |
|------------------------------|------------------------------|-----------------------------|----------------------------------|
| Bathing                      | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Dressing                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Toileting                    | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Transferring                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Continence                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Ability to use the telephone | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Transportation               | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |

**Signs of Physical Abuse**

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Victim's Self Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
Bruises	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Black Eyes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Lacerations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Ligature / Restraint Marks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Broken Bones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Burns	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Bite Marks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Over / Under Medicated	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<hr/>
Hair Pulled Out	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
Uncooperative Caretaker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
Weapons	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	

## Elder Abuse First Responder Checklist

### Signs of Sexual Abuse

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Victim's Self Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bruises: Breasts/Genital Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Torn/Bloody Underclothes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Difficulty Walking/Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Sexually Transmitted Disease	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Broken Bones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Burns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bite Marks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Over / Under Medicated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Hair Pulled Out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Uncooperative Caretaker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Weapons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

### Signs of Neglect/Cruelty

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Victim's Self Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Lack of Basic Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Lack of Assistive Devices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Abandonment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Inappropriate Clothing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Inadequate Heating/Cooling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bed Sores	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unsafe Environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fleas/Lice/Roaches/Rodents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fecal/Urine Odor/Stains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Lock/Chains On Interior Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

### Signs of Emotional Abuse

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Victim's Self Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Upset/Agitated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Withdrawn/Non-responsive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Nervous Around Caregiver/Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Caregiver Restricts Communication To Friends & Family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fearful Of Saying Or Doing Something Wrong	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

## Elder Abuse First Responder Checklist

### Signs of Financial Abuse

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Victim's Self Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unemployed Adults Reside In Home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
New Names on Signature Card(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unauthorized Withdrawal(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Abrupt Changes In Will	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Disappearance of Funds/Possessions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unpaid Bills/Adequate Funds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Forged Signature For Transactions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Appearance Of Uninvolved Relative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Sudden Transfer Of Assets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Unlicensed Personal Care Home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Large Purchases For The Abuser's Benefit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Inappropriate Financial Reimbursement For Services To The Older Adult	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### Signs of Self-Neglect

Dehydration/Malnutrition	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Lack Of Medical Attention	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Unsafe Living Conditions	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Unsanitary Living Conditions	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Inappropriate Clothing	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Lack Of Assistive Devices	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Inadequate Housing	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

## **Elder-Abuse-Evidence-Collection-Checklist.pdf**

## Medical Records

---

- |  |  |
|--|--|
| <input type="checkbox"/> Emergency room        | <input type="checkbox"/> X-rays  |
| <input type="checkbox"/> Treating physician(s) | <input type="checkbox"/> Social workers' notes   |
| <input type="checkbox"/> Nursing facilities    | <input type="checkbox"/> Adult Protective Services (APS) records of current & prior contacts |
| <input type="checkbox"/> Pharmacy              | <input type="checkbox"/> Other   |
| <input type="checkbox"/> Dentist(s)            |  |
| <input type="checkbox"/> Prescriptions         |  |
| <input type="checkbox"/> Lab reports           |  |
| <input type="checkbox"/> Nurses' notes         |  |

## Legal Records

---

All law enforcement contacts with involved parties and witnesses, including:

- Physical inventory checklist (Elder Abuse First Responder Checklist)
- 911 tapes
- Arrest reports
- Criminal histories
- Jail records, including:
  - Phone calls
  - Visitor logs by or on behalf of suspects

## Testimony & Background Evidence

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- Psychological/psychiatric evaluation of victim (when consent, undue influence, or capacity may be an issue)
- Victim testimony or deposition with full-cross examination, as soon as possible after charging
- Videotape the victim at the early stage of the investigation, including the following:
  - Orientation (how does the victim perceive time and place)
  - Victim testifying to consent
  - Victim naming identity of suspect
  - Victim signing his/her name in video to compare to signature on questioned documents (financial abuse)
  - Impact of crime (video record a walk-through of neglect or abuse crime scene, if possible)

## Consultation with Experts

---

- |   |   |
|---|---|
| <input type="checkbox"/> Handwriting analysts                         | <input type="checkbox"/> Wound care experts |
| <input type="checkbox"/> Geriatricians                                | <input type="checkbox"/> Medical examiner   |
| <input type="checkbox"/> Forensic accountants                         | <input type="checkbox"/> Civil attorneys    |
| <input type="checkbox"/> Geriatric psychologists<br>and psychiatrists |   |

## Interviews

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Witnesses who can describe the victim's condition, activities, and level of functioning and interaction with the defendant at time of incident and before. Describe changes over time.

Possible witnesses:

- Family and friends
- Acquaintances/social
- Banking/financial
- Medical providers (prior and current)
- Hair stylists/barbers
- Faith community
- Local businesses
- Neighbors
- Adult day care services
- Social services (Meals on Wheels, etc.)
- Adult Protective Services
- Payees for expenses the suspect paid with the victim's money
- Civil attorneys
- Delivery personnel
- Postal carriers
- Meter readers

## Financial & Legal Records

---

- |   |   |
|---|---|
| <input type="checkbox"/> Credit card records        | <input type="checkbox"/> Prior civil cases                      |
| <input type="checkbox"/> Investment account records | <input type="checkbox"/> Court/protection orders                |
| <input type="checkbox"/> Credit reports             | <input type="checkbox"/> Wills and trusts                       |
| <input type="checkbox"/> Suspect's bank records     | <input type="checkbox"/> Property deeds                         |
| <input type="checkbox"/> Victim's bank records      | <input type="checkbox"/> Conveyances                            |
| <input type="checkbox"/> Checkbook registers        | <input type="checkbox"/> Advanced care directives/living wills  |
| <input type="checkbox"/> Powers of attorney         | <input type="checkbox"/> Guardianship/conservatorship documents |

## Physical Evidence

---

Crime scene photos and video, including, if relevant:

- |   |   |
|---|---|
| <input type="checkbox"/> Suspect's living area  | <input type="checkbox"/> Defendant's and victim's ISP records   |
| <input type="checkbox"/> Victim's living area   | <input type="checkbox"/> Defendant's computer, flash drives, etc.   |
| <input type="checkbox"/> Major new purchases made by the suspect  | <input type="checkbox"/> Legal file from victim's civil attorney  |
| <input type="checkbox"/> Victim's body  | <input type="checkbox"/> Assistive devices (or lack thereof)  |
| <input type="checkbox"/> Injuries over time   | <input type="checkbox"/> Nutritional supplements  |
| <input type="checkbox"/> Other signs of neglect   | <input type="checkbox"/> Receipts for purchases   |
| <input type="checkbox"/> Clothing victim was wearing at time of incident<br>(include undergarments if applicable) | <input type="checkbox"/> Restraints and bindings  |
| <input type="checkbox"/> Bedding  | <input type="checkbox"/> Checkbooks, check registers  |
| <input type="checkbox"/> Locks on outside of doors  | <input type="checkbox"/> Contents of refrigerator, cupboards, medicine cabinets (include actual<br>bottles/containers for prescriptions to show physician and pharmacy,<br>possession and full/empty status given recommended dosage over time<br>from the date of the last refill) |
| <input type="checkbox"/> Writings/journals/letters  |   |
| <input type="checkbox"/> Photos and videos related to conduct   |   |
| <input type="checkbox"/> Address books and calendars  |   |

**AB 481 Inventory (4-7-2022).pdf**

# NEVADA COUNTY SHERIFF'S OFFICE



# AB 481 MILITARY EQUIPMENT INVENTORY

## **Mine Resistant Ambush Protected Vehicle (MRAP)**

**Capabilities:** Light tactical vehicles produced as part of the MRAP program that are designed specifically to withstand improvised explosive device (IED) attacks and ambushes.

The purpose of the MRAP armored vehicle is to provide ballistic protection to law enforcement and citizens from gunfire. The armored vehicle stops rifle rated rounds including .50 caliber which is commercially available and beyond the protection level of shield and personal body armor possessed by the office.

It can be utilized by trained personnel to rescue downed law enforcement and citizens. Protecting law enforcement allows them to contain the suspect and reduce the immediacy of the threat while communicating and de-escalating as required per the office's policies. Critical Incident Negotiations Team (CINT) members operate from inside the armored vehicles during search warrant and SWAT callouts where they communicate with the suspect and attempt to de-escalate.

**Cost:** \$0.00 (Valued at \$733,000)

**Anticipated yearly cost:** \$1,500

**Expected life span:** 25 years

**Inventory:** 1

**Quantity Sought:** 0

**Legal and procedural rules for use:** Class B license required to operate the vehicle. The vehicle is only intended to be used during SED approved missions or high-risk operations approved by a supervisor

**Training:** Training is conducted by qualified SED team members

## **Defense Technology - 37 MM Single Launcher**

**Capabilities:** The 37 mm single launcher is used by law enforcement to deploy less lethal direct impact rounds, Ariel Distraction Devices, CS Ariel Distraction Devices, and smoke rounds.

The 37mm single launcher is also used by law enforcement who have been trained in the deployment and use of chemical agents. This system allows us to deploy chemical agents into a structure, vehicle, or area occupied by a barricaded subject forcing them out to a custody team and limiting the likelihood of a force-on-force encounter between law enforcement and suspects in a confined area. Range of the launcher is approximately 75 yards.

**Cost:** \$350

**Anticipated yearly cost:** \$0

**Expected life span:** 30 Years

**Inventory:** 5

**Quantity Sought:** 0

**Legal and procedural rules for use:** Lexipol Policy 303

**Training:** To be conducted by a POST certified instructor

<b>Combined Systems LC5 Launching Cup</b>
<b>Capabilities:</b> These launching cups attach to 12 gauge less lethal shotguns and allow law enforcement to launch canisters of chemical agents or smoke. The use of canisters often minimizes damage to the structure when utilized for deploying chemical agents on a barricaded subject. It also limits the danger to law enforcement deploying gas because they need to deploy vastly fewer canister munitions compared to liquid ferret rounds. Fewer rounds entering the house is also safer for the barricaded suspect.
<b>Cost:</b> \$315
<b>Anticipated yearly cost:</b> 0
<b>Expected life span:</b> 15 Years
<b>Inventory:</b> 5
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol 303.
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Distraction Device - CONSUMABLE</b>
<b>Capabilities:</b> Used to temporarily disorient a subject's senses. They are designed to produce a bright flash of light and an intensely loud "bang" to distract a subject and create a tactical advantage to law enforcement making contact.  The flash temporarily activates all photoreceptor cells in the eye, blinding it for approximately five seconds. Afterward, effected subjects perceive an afterimage which impairs their vision. The volume of the detonation also causes temporary deafness in the subject and disturbs the fluid in the ear, causing a loss of balance.
<b>Expected life span:</b> 3 Years
<b>Cost to purchase:</b> \$36.75
<b>Anticipated yearly cost:</b> \$950
<b>Inventory:</b> 23
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol 404 and the SED operations manual
<b>Training:</b> To be conducted by a POST certified instructor

<b>Combined Tactical Systems Baffled CS smoke grenade (Model 5230B) - CONSUMABLE</b>
<b>Capabilities:</b> The Baffled CS Grenade is designed specifically for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. The grenade expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a suspect concealed in a residence. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.60 in. and holds approximately 2.7 oz. of active agent.
<b>Expected life span:</b> 5 years
<b>Cost to purchase:</b> \$45.20
<b>Anticipated yearly cost:</b> \$950
<b>Inventory:</b> 24
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol Policy 303
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology green smoke canister (Model 1065) - CONSUMABLE</b>
<b>Capabilities:</b> The Defense Technology green smoke grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 30-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movements or route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable colored smoke grenade is 6 inches tall by 2.35 inches in diameter and holds approximately 2.9 oz of active agent.
<b>Cost:</b> \$50.70
<b>Anticipated yearly cost:</b> \$250
<b>Expected life span:</b> 5 years
<b>Inventory:</b> 5
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol 404 and the SED operations manual
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Spede-Heat 37 mm long-range round, CS canister (Model 1072) - CONSUMABLE</b>
<b>Capabilities:</b> The Spede-Heat 37mm short range CS round incorporates an aluminum shell and utilizes black powder as the propellant. It is designed to deliver one dual-ported chemical canister from a 37mm launcher 75 yards to the targeted zone.
<b>Cost:</b> \$33.05
<b>Anticipated yearly cost:</b> \$140
<b>Expected life span:</b> 3 years
<b>Inventory:</b> 4
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol Policy 303
<b>Training:</b> To be conducted by a POST certified instructor

<b>Colt, M-16A2 Commando 11.5" rifle</b>
<b>Capabilities:</b> These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It is a short-barreled rifle which allows SED to better control while inside of structures while still providing great accuracy
<b>Cost:</b> \$1,200.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 4
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 306
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour office rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>Colt, M-4 Carbine 16" rifle</b>
<b>Capabilities:</b> These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It has a longer barrel than the Colt Commando rifle which allows for greater accuracy from a further distance. It is a preferable rifle platform for rural operations.
<b>Cost:</b> \$1,200.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 8
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 306
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour office rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>Heckler &amp; Koch UMP .40 caliber sub-machine gun</b>
<b>Capabilities:</b> These rifles fire the same munitions as our office issued handguns. It is a lightweight, compact rifle, specifically designed for close quarters.
<b>Cost:</b> \$2,000.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 3
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b>
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour office rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>40 MM Defense Technology 6-Shot Launcher (Model Penn Arms PGL-65)</b>
<b>Capabilities:</b> The 40mm 6-shot launcher is used by law enforcement to deploy Exact Impact 40 mm sponge rounds. The safe effective range for the launcher is 5-131 feet.
<b>Cost:</b> \$2250
<b>Anticipated yearly maintenance cost:</b> \$50
<b>Expected life span:</b> 15 years
<b>Inventory:</b> 1
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>40 MM LMT Tactical Single Launcher with expandable stock (Model 1425)</b>
<b>Capabilities:</b> Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single- and two-point sling attachment.
The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.
<b>Cost:</b> \$1,077.15
<b>Anticipated yearly maintenance cost:</b> \$50
<b>Expected life span:</b> 15 years
<b>Inventory:</b> 0
<b>Quantity Sought:</b> 1
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Exact Impact 40mm Standard Range Sponge Round (Model 6325) - CONSUMABLE</b>
<b>Capabilities:</b> This less lethal impact round is a 40mm sponge tipped round and is deployed from our multi-shot 40mm less lethal device with a range of 5-131 feet.
<b>Cost:</b> \$28.65
<b>Anticipated yearly maintenance cost:</b> \$600
<b>Expected life span:</b> 5 years from date of manufacture
<b>Inventory:</b> 96
<b>Quantity Sought:</b> 100
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>Recon Scout (Model XT)</b>
<b>Capabilities:</b> This is a remote-controlled device that can be placed into an area and driven on two wheels. The device has a forward-facing camera, which can be viewed live.
<b>Cost:</b> \$13,000 in 2011 (valued at \$5,000)
<b>Anticipated yearly maintenance cost:</b> \$100
<b>Expected life span:</b> 10 Years
<b>Inventory:</b> 1
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Typically utilized during exigent circumstances or through execution of a search warrant
<b>Training:</b> To be conducted by an SED member who is assigned to use the device. No specialized training is required.

**Freightliner (Colombia Series Chassis)**

**Capabilities:** "Command 1" significantly increases the overall effectiveness in command and control of any large-scale event requiring either single agency response, or multi-agency response, thereby increasing public safety.

This mobile command unit brings a complete command and control mobile unit to any major or complex incident that may occur in Nevada County. This gives us the ability to monitor and communicate via multiple radio frequencies and secure space to plan critical events.

**Cost:** \$416, 854.85

**Anticipated yearly cost:** \$5,000

**Expected life span:** 25 years

**Inventory:** 1

**Quantity Sought:** 0

**Legal and procedural rules for use:** Class B license required to operate the vehicle.

**Training:** Due to size and complexity of this unit, it requires a Class B or greater driver's license. Once a request is granted for utilization, a driver from a pre-designated pool of trained qualified drivers will deliver and setup all necessary equipment for use of this unit.

**Personnel Complaint Form.pdf**

**AB 481 Inventory (4-4-2022).pdf**

## **NCSO Personnel Complaint Form.pdf**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR**

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**PERSONNEL COMPLAINT FORM**

**You have the right to make a complaint against Sheriff's Office personnel for any improper conduct. California law requires this agency to have a procedure to investigate personnel complaints. You have a right to a written description of this procedure. This agency may find after investigation, that there is not enough evidence to warrant action on your complaint. Even if that is the case, you have the right to make the complaint, and have it investigated if you believe our employee behaved improperly. Personnel complaints and any reports or findings relating to complaints must be retained by this agency for a period of no less than five (5) years where there is not a sustained finding of misconduct and for not less than fifteen (15) years where there is a sustained finding of misconduct. (Penal Code 832.5(b))**

REPORTING PARTY'S FULL NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER/S: \_\_\_\_\_

SUBJECT OF COMPLAINT: If known, include name, badge number, description, classification, or any identifiers that might help identify the employee)

\_\_\_\_\_

DATE AND TIME OF EVENT/S: \_\_\_\_\_

LOCATION OF EVENT/S: \_\_\_\_\_

WITNESSES: (Include full name, address, phone numbers)

\_\_\_\_\_

\_\_\_\_\_

DETAILS OF COMPLAINT: (Please be as factually complete as possible.)

\_\_\_\_\_

\_\_\_\_\_

Continue on next page



## **Nevada County Sheriff's Office Personnel Complaint Process**

Although not required, it is desirable that you come to the Sheriff's Office to complete a complaint form. Complaints may be made via telephone, mail, email, or any other format. You will be asked to complete as much information as possible to assist us in the investigation of your complaint.

### Personnel Complaint

Generally, the supervisor of the employee/s who is the subject of the complaint will investigate the matter and report to the Undersheriff. The Undersheriff will then prepare a written response outlining our findings. We make every effort to send you a written response within 30 days of the date we receive your complaint.

### Administrative Investigation

There may be times when the seriousness of the matter brought to our attention leads us to assign your complaint to one of our Administrative Investigators. All information received will be treated confidentially by the Sheriff's Office. After completing the investigation, a complaint disposition shall be made, based on each alleged act of formal misconduct. You will be notified of the results of the investigation; however, you may not be allowed information contained within the investigation—only the disposition.

When complaints are found to be sustained, the Sheriff shall administer the appropriate corrective and/or disciplinary action.

**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

**PERSONNEL COMPLAINT FORM**

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SECTION 1: INCIDENT INFORMATION		
DATE OF INCIDENT (MM/DD/YYYY)	TIME (AM/PM)	NAME OF AGENCY INVOLVED
LOCATION OF INCIDENT		

SECTION 2: COMPLAINANT INFORMATION			
FIRST NAME	LAST NAME		
DATE OF BIRTH (MM/DD/YYYY)	GENDER		
	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-Binary		
ETHNICITY			
<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black or African <input type="checkbox"/> American Hispanic or Latino <input type="checkbox"/> Middle Eastern <input type="checkbox"/> South Asian <input type="checkbox"/> White/Caucasian <input type="checkbox"/> Multiracial <input type="checkbox"/> Not Listed <input type="checkbox"/> Prefer Not to Answer			
PHONE	EMAIL		
STREET ADDRESS			
CITY	STATE/PROVINCE	POSTAL/ZIP CODE	COUNTRY
RELATIONSHIP TO THE INCIDENT			
<input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Family Member / Friend <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Coworker <input type="checkbox"/> Other			

SECTION 3: INCIDENT INFORMATION	
Employee's actions were Serious Misconduct as defined in California Penal Code 13510.8, check all that apply	
<input type="checkbox"/> Dishonesty <input type="checkbox"/> Abuse of Power <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Demonstrating Bias <input type="checkbox"/> Violation of law <input type="checkbox"/> Participate in Law Enforcement Gang <input type="checkbox"/> Failure to Intercede <input type="checkbox"/> Other: _____	
Employee's actions showed bias, check all that apply	
<input type="checkbox"/> Race or Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> Gender Identity or Expression <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Mental Disability <input type="checkbox"/> Physical Disability	
INVOLVED OFFICER'S NAME(S)	BADGE NUMBER OR ID NUMBER OF THE OFFICER

PLEASE DESCRIBE COMPLAINT ON NEXT PAGE





## **Nevada County Sheriff's Office Personnel Complaint Process**

*Although not required, it is desirable that you come to the Sheriff's Office to complete a complaint form. Complaints may be made via telephone, mail, email, or any other format. You will be asked to complete as much information as possible to assist us in the investigation of your complaint.*

### *Personnel Complaint*

*Generally, the supervisor of the employee/s who is the subject of the complaint will investigate the matter and report to the Undersheriff. The Undersheriff will then prepare a written response outlining our findings. We make every effort to send you a written response within 30 days of the date we receive your complaint.*

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*When complaints are found to be sustained, the Sheriff shall administer the appropriate corrective and/or disciplinary action.*

## **SSV Naloxone Utilization Report Form.pdf**



# S-SV EMS Law Enforcement Naloxone Utilization Patient Care Report



Law Enforcement Agency Information			
Agency Name:			
Incident Date:		Event/Report #:	
Dispatch Time:		On Scene Time:	
Incident Location:			
Patient Information			
Patient Name:		<input type="checkbox"/> Male <input type="checkbox"/> Female	Age:      DOB:
Presenting Patient Condition:			
Naloxone Administration Detail			
Time:		Dose:	
Time:		Dose:	
Patient Response To Naloxone Administration: <input type="checkbox"/> Improved <input type="checkbox"/> Unchanged <input type="checkbox"/> Worse			
Additional Notes & Comments			
EMS Provider/Agency Assuming Patient Care:			
Treating Officer Name:			Badge/Unit #

Please submit reports to the S-SV EMS Agency using one of the following methods:

Address: 535 Menlo Drive, Suite A, Rocklin, CA 95765

Email: [info@ssvems.com](mailto:info@ssvems.com) or Fax: (916) 625-1720

## **Supplemental Hate Crime Report-Agency.pdf**

**SUPPLEMENTAL HATE CRIME REPORT**

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

<b>VICTIM</b>				
<b>VICTIM TYPE</b>			Date and time of incident: _____	
<input type="checkbox"/> <b>Individual</b> Legal name (Last, First): _____			Location of incident: _____	
Date of Birth	Age	Sex	Date and time of report: _____	
			Location of report: _____	
<input type="checkbox"/> <b>School, business or organization</b> Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i>			Agency Case #: _____	
<input type="checkbox"/> <b>Faith-based organization</b> Name: _____ Faith: _____			<b>NATURE OF CALL FOR SERVICE (check all that apply)</b>  <input type="checkbox"/> Crime against persons  <input type="checkbox"/> Crime against property  <input type="checkbox"/> Gang activity  <input type="checkbox"/> Other _____	
<input type="checkbox"/> <b>Other</b> Name: _____ Type: _____ Address: _____				

<b>BIAS</b>	
<p style="text-align: center;"><b>TYPE OF BIAS</b> <i>(Check all characteristics that apply)</i></p> <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Gender identity/expression <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Race <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Religion <input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i> <input type="checkbox"/> Association with a person or group with one or more of these characteristics (actual or perceived) <input type="checkbox"/> Other: _____	<p style="text-align: center;"><b>ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT</b></p> <input type="checkbox"/> Actual bias [Victim has the indicated characteristic(s)]. <input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].
<p style="text-align: center;"><b>REASON FOR BIAS:</b></p> Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No  Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No  Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No  Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No  Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p style="text-align: center;"><b>BIAS INDICATORS (CHECK ALL THAT APPLY):</b></p> <input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used <input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____	

# SUPPLEMENTAL HATE CRIME REPORT

Page 2 of 2

HISTORY				
<b>SUSPECT INFORMATION</b>			<b>RELATIONSHIP BETWEEN SUSPECT &amp; VICTIM</b>	
Legal name (Last, First): _____			Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Other Names used (AKA): _____			Nature of relationship: _____	
Date of Birth	Age	Sex	Race	
_____	_____	_____	_____	
Relationship to Victim: _____			Length of relationship: _____	
			<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____	
			Prior unreported incidents with suspect: <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				
<b>Victim</b>	<b>Suspect</b>			
<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	
_____	

**CDPH4411.pdf**

## CALIFORNIA SUDDEN INFANT DEATH SYNDROME (SIDS) PROGRAM CORONER’S NOTIFICATION CARD

The California SIDS Program appreciates your efforts to help us track sudden, unexpected infant deaths in California through the Coroner's Notification Card. This reporting system permits the indexing of all cases in which the provisional cause of death is *SIDS, sudden death in infancy, sudden unexplained death, sudden unexplained infant death, sudden infant death, unknown/undetermined, asphyxia, positional/mechanical asphyxia, or probable overlay.*

The California SIDS Program, along with the State SIDS Advisory Council, recommends families who receive any of the above diagnoses are provided the same grief support services.

Pursuant to Health and Safety Code, Section 462, families who receive a SIDS diagnosis are to receive grief support services from their local public health department. Please consider also voluntarily referring any sudden, unexpected infant death to the local public health department in the infant’s county of residence within 24 hours, or as soon as possible after the gross autopsy.

**Please submit the completed form, via secure email, to [carrie.florez@cdph.ca.gov](mailto:carrie.florez@cdph.ca.gov). If you have any questions or need additional information, please use the email above.**

INFANT’S LAST NAME	FIRST	M. INITIAL	SEX
STREET ADDRESS			____ / ____ / ____ DATE OF BIRTH
CITY	STATE	ZIP	BORN IN CALIFORNIA? <input type="checkbox"/> YES <input type="checkbox"/> NO
COUNTY OF RESIDENCE			____ / ____ / ____ DATE OF DEATH
MOTHER’S LAST NAME	FIRST	M. INITIAL	COUNTY OF OCCURRENCE OF DEATH
FATHER’S LAST NAME	FIRST	M. INITIAL	____ / ____ / ____ DATE REPORTED TO HEALTH DEPARTMENT IN COUNTY OF <b>RESIDENCE</b>
			CORONER’S CASE NUMBER

## **SUIDS Questions.pdf**

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# NEVADA COUNTY SHERIFF'S OFFICE



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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**Sudden Unexpected Infant Death Questions** – The following questions are designed to act as a guide in the event of a Sudden Unexpected Infant Death (SUID) which is often referred to as Sudden Infant Death Syndrome (SIDS). Each case may require some or all of the questions dependent upon the circumstances. Some of these questions such as arrest history of the parent(s) should not be asked of the parents but confirmed through other means if needed at all.

## General Questions

- Baby's name and DOB.
- Caregiver (if applicable) and parents' name, DOB, past medical history, medication use (OTC or prescription), employment and source of income.
- Are there any siblings, if so include name, DOB, past medical history?
- Who lives in the home with the baby?
- Are the parents living together and what is their relationship?
- At the time of the death were there any visitors at the location?
- Does the baby go to daycare or a babysitter (licensed or residential)?
- Has the child had any contact with anyone who is sick or ill?
- Do the parents/caregivers have an arrest history?
- Have there been prior contacts with law enforcement and/or child welfare services?

## Pregnancy Questions

- Was the pregnancy planned, not prevented or a surprise?
- When did the mother begin receiving obstetrical care?
- Name and contact information for obstetrician.
- During the pregnancy did the mother take prenatal vitamins, medicines, alcohol or other drugs?
- Was the baby full term (40-weeks) at the time of delivery?
- What hospital was the baby born at?
- Cesarean section or natural delivery?
- Did the mother go into labor on her own or was she induced?
- Were forceps or a vacuum used during the delivery?
- Was the cesarean section scheduled or done because of problems/prolonged labor?
- Birth weight and length of the baby.
- Were there complications with the labor or the delivery for either the mother or the baby?
- Jaundice (or sickle cell)? If so, how was it treated?
- What was the parent/caregiver taught by the birth hospital about the position and location in which the infant should sleep?

## Diet

- Breast and/or bottle fed?
- If breast feeding is mother taking any medicines?
- Is the formula provided through the WIC program?
- Does the baby eat without difficulties?
- Any problem with pallor, turning blue, choking or gagging that scares the caregiver during the feedings or during the baby's rest?
- Are any other foods or liquids given to the child?
- How many ounces and how often is the baby fed? If breast-fed how long on each side does the baby eat?
- When was the last time the baby was fed?
- If the baby looks thin have the caregiver describe and demonstrate how the formula was mixed.

## Medical History

- Name, contact information and date of visit for pediatrician, emergency room/urgent care visits or any other medical contacts.
- Was the last visit to the pediatrician for a well-baby checkup or was there a medical concern?

- Has the baby had the need to see any specialists for any reason?
- Was the baby meeting his/her milestones? If placed on a blanket on the floor how mobile was he/she?
- Was the baby growing well?
- Have there been any medical concerns or problems in which a diagnosis could not be made?

### **Previous History**

- Episodes where the baby became limp or had increased muscle tone/stiffening?
- Did the baby ever have any periods where he/she appeared to stop breathing? How did the caregiver rouse the child? (Were the incidents with the same caregiver?)
- Any history of any falls or other injuries?
- Any family history of blood clotting problems or did the baby ever have any bruises?
- Was the child given any medicines or herbs and if so what was the last dose and time?
- Were any other cultural or ethnic remedies provided?
- Has the baby had a cough, runny nose, wheezing or congestion in his chest? Treatment?
- History of rash or fever? Treatment?
- History of spitting up versus large amount of vomiting? Treatment?
- History of constipation or diarrhea? Treatment?
- Is the baby making plenty of wet diapers? Change in urine color or odor?
- Any change in appetite?
- Problems with colic?
- If baby cries a lot ask how long an episode of crying lasts.
- Easy baby or fussy baby or a little of both?
- Was the infant/child difficult to parent?
- Good sleeper?
- How did the caregiver console the infant? Was it effective?
- Who gave the infant his/her last bath? While bathing the baby the caregiver is looking at the nude child, were any medical concerns seen?
- Is there any smoking in or outside the home?
- Any family history of congenital problems?
- Any family history of childhood deaths?
- Did the mother have any feelings of postpartum depression?
- Do the caregivers have any history of mental health issues?

### **Scene and/or Environmental Factors:**

- Describe the neighborhood and the home.
- Is the home crowded with many people or clutter?
- Concerns about alcohol or substance abuse?
- Concerns about environmental hazards?
- Fan v. air conditioner v. heater in use? Describe.
- Is there a clock in the room (or was a cell phone used)?
- Was a window open?
- Was the thermostat set?
- Obtain temperature of the room.
- Describe the window covering & was it open or closed? (Was the room dark on the night of the death?)
- Is the home stuffy or poorly ventilated?
- What is the covering on the floor?
- Describe the adult bed (if there is one in the room). Head or footboard present?
- Is there an independent sleeping area for the baby in the home?
- Were there any devices operating in the room (humidifier, baby monitor)?

### **Circumstances/history of the death:**

- Was there a change in routine?
- What is the routine sleep position and location for the infant?
- Describe the events/timeline during the day (or night) leading up to the death? Include the time and amount of food that the child last ate.
- Was there a change in the usual sleep position/location/routine for the infant? Why?

- Document the time and reenact and photograph the position and location in which the baby was placed, checked on and discovered by each caretaker involved.
- Was the baby swaddled? Describe/photograph how tight the blanket was and the fabric/material and size.
- What was the surface on which the child was sleeping? Document, describe and photograph each layer of bedding.
- Was a pillow in use?
- Was a pacifier in use?
- Was a bottle propped?
- Were there other objects in the crib?
- Other unsafe sleeping condition(s) seen?
- Describe any drainage on bedding or clothing (both baby and bedsharer).
- Was the infant sharing a bed with any adults, children or pets?
- Why did the caregiver wake up or go to check on the baby?
- Had the bedsharer taken any over the counter medicines, alcohol, medical marijuana or drugs during the day/night before sleep?
- Had the bedsharer experienced excess fatigue during the day/night before sleep?
- Describe location of the person in bed in relation to the child and provide a description of their size.
- Why does the caregiver think the infant died?

**Discovery:**

- When the child was discovered were there any objects near or next to the face?
- Was there any foam or drainage from the mouth or nose when the child was first seen?
- Was the baby sweaty, warm or cold?
- What was the baby wearing? Were the clothes or the bedding damp?
- When the child was picked up was he/she limp or stiff?
- After the child was moved was there any additional drainage from the mouth or nose?
- Was CPR performed?
- What is the training of the person who did the CPR?
- When the jaw was positioned for rescue breaths was it easy to open or did it require some force?
- Document how the caregiver did the chest compressions? Tips of fingers versus palm of the hands.

**EMS/Emergency room staff:**

- When the baby arrived what cardiac rhythm was seen on the monitor?
- Was the baby showing signs of rigor?
- If the child was intubated were the jaw and neck easy to manipulate?
- Prior to intubation were the cords visible or was suctioning required? What was suctioned?
- Were any specimens collected or imaging studies done at the hospital?
- Did the physician see anything of concern?

## **Missing Persons Reporting Chart.pdf**

## Section 6 Missing and Unidentified Persons Reporting Reference Chart

All local police and sheriffs' departments shall accept any report of a missing person (MP) without delay, per Penal Code (PC) § 14211(a). Additional requirements/guidelines are below. As you read the chart from left to right, report types are listed by age group, and note the applicable code section: PC, Education Code (EC), or federal statute (U.S.C.).

Required Action MP Age	"Be On the Look-Out" Bulletin	Initial Entry into the DOJ Missing Person System (MPS)	Copy of MP Report Forwarded to Appropriate Jurisdiction	Obtain Dental and/or Skeletal X-Rays and Treatment Notes	Initial Coroner Check	MP Report with Photograph and X-rays Submitted to DOJ <sup>1</sup>	Written Notice Submitted to School	DNA-Advise Family of Right to Submit Sample <sup>2</sup>	Validate and Update MPS Record
<b>At Risk<sup>3</sup> (Any Age)</b>	Without Delay PC § 14211(d)	Within 2 Hours PC § 14211(e)	Within 24 Hours PC § 14211(g)	At 30 days PC § 14212(d)	Recommended Within 30 days PC § 14212(g)	Recommended Within 30 days PC § 14212(g)	If a child, within 10 Days EC § 49068.6	Within 30 Days PC § 14250(c)(2)	Within 60 days NCIC Guidelines
<b>Ages 0 to 15</b>	Without Delay PC § 14211(d)	Within 2 Hours PC § 14211(e)	Within 24 Hours PC § 14211(g)	Within 60 Days PC § 14211(f)	Recommended Within 30 days PC § 14212(g)	Recommended Within 30 days PC § 14212(g)	Within 10 Days EC § 49068.6	Recommended After 30 days	Within 60 days NCIC Guidelines
<b>Ages 16 to 17</b>	Without Delay PC § 14211(d)	Within 2 Hours PC § 14211(e)	Within 24 Hours PC § 14211(g)	Within 60 Days PC § 14211(f)	Recommended Within 30 days PC § 14212(g)	Recommended Within 30 days PC § 14212(g)	Within 10 Days EC § 49068.6	Recommended After 30 days	Within 60 days NCIC Guidelines
<b>Ages 18 to 20</b>	Without Delay PC § 14211(d)	Within 2 Hours PC § 14211(e)	Within 24 Hours PC § 14211(g)	Within 60 Days PC § 14211(f)	Recommended Within 30 days PC § 14212(g)	Recommended Within 30 days PC § 14212(g)	Not Applicable	Recommended After 30 days	Within 60 days NCIC Guidelines
<b>Ages 21 and over</b>	Law Enforcement Discretion	Without Unreasonable Delay	Within 24 Hours PC § 14211(g)	Within 60 Days PC § 14211(f)	Recommended Within 30 days PC § 14212(g)	Recommended Within 30 days PC § 14212(g)	Not Applicable	Recommended After 30 days	Within 60 days NCIC Guidelines

<sup>1</sup> Per Health & Safety Code § 102870, the DOJ shall act as a repository for dental examination records of missing and unidentified person and will compare the records for the purposes of identification.

<sup>2</sup> Per PC § 14250(a)(4), for the purpose of DNA collection, a high-risk missing person is anyone missing as a result of a stranger abduction, suspicious circumstances, unknown circumstances, there is reason to assume the person is in danger or deceased, and that the person has been missing for more than 30 days or less in the discretion of the investigating agency.

<sup>3</sup> Per PC § 14215(b), "at risk" means there is evidence of, or there are indications of, any of the following: (1) is a victim of a crime or foul play, (2) is in need of medical attention, (3) has no pattern of running away or disappearing, (4) may be the victim of a parental abduction, or (5) is mentally impaired, including cognitively impaired or developmentally disabled.

## **208 Retiree Attestation.pdf**



**Qualified Former Deputy/Retiree Concealed Carry Qualification Agreement and  
Waiver of Liability**

I, \_\_\_\_\_, am a retired peace officer, or a qualified former deputy of the Nevada County Sheriff's Office. I am eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 and/or California Law (18 USC § 926C; Penal Code § 25455).

I understand that the Nevada County Sheriff's Office is not legally required to provide a firearms qualification course or provide me with firearms instruction.

I understand that to attempt to qualify to carry a concealed firearm, I may only fire my weapon under the direct supervision of a certified firearms instructor.

I agree to defend, indemnify, and hold harmless the County of Nevada and the Nevada County Sheriff's Office and/or its officers and employees, for any injury caused by my participation in this qualification process. I further waive any claim for damages against the County of Nevada and the Nevada County Sheriff's Office and its officers and employees, for any injury suffered by me while participating in this qualification process.

I agree to defend, indemnify, and hold harmless the County of Nevada and the Nevada County Sheriff's Office and/or its officers and employees, from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act of 2004 or California Law, including, but not limited to, any claims and/or civil litigation.

Furthermore, I have read, understand, and agree to the following conditions under LEOSA and California Law.

To the retiree, or qualified former deputy- Choose either or both LEOSA or CALIFORNIA conditions below. LEOSA conditions require an annual qualification and allow for a nationwide CCW permit. CALIFORNIA conditions require a qualification every 5 years and allow for a CCW permit within California.

OPTION A  
LEOSA CONDITIONS

- I agree to qualify annually with the authorized firearm at a course approved by the Nevada County Sheriff's Office at my own expense. \_\_\_\_\_(initial)
- I understand that I am personally responsible for all acts taken related to carrying a concealed firearm and that these acts were not taken as an employee or former employee of the Nevada County Sheriff's Office. \_\_\_\_\_(initial)
- I understand that I remain subject to all applicable Nevada County Sheriff's Office policies and federal, state and local laws. \_\_\_\_\_(initial)
- I will demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm. \_\_\_\_\_(initial)
- I understand that the Nevada County Sheriff's Office may run a criminal history background check to confirm my good character. \_\_\_\_\_(initial)

OPTION B:  
CALIFORNIA CCW CONDITIONS (Penal Code§ 26305)

- I agree to qualify at least every five years with the authorized firearm at a course approved by the Nevada County Sheriff's Office at my own expense. \_\_\_\_\_(initial)
- I understand that I remain subject to all applicable Nevada County Sheriff's Office policies and federal, state and local laws. \_\_\_\_\_(initial)
- I will not engage in conduct that compromises public safety. \_\_\_\_\_(initial)
- I understand that I am only authorized to carry a concealed firearm inspected and approved by a certified firearms instructor. \_\_\_\_\_(initial)
- I understand that I am personally responsible for all acts taken related to carrying a concealed firearm and that these acts were not taken as an employee or former employee of the Nevada County Sheriff's Office. \_\_\_\_\_(initial)
- I understand that the Nevada County Sheriff's Office may run a criminal history background check to confirm my good character. \_\_\_\_\_(initial)

I attest I am **not** currently subject to any of the below conditions which may affect my eligibility to carry a firearm concealed.

- Charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial. \_\_\_\_\_(initial)
- Indicted or convicted in any court, including a military court, of a crime above the level of an infraction. \_\_\_\_\_(initial)
- Suspected by law enforcement of committing a crime above the level of an infraction. \_\_\_\_\_(initial)
- A fugitive from justice. \_\_\_\_\_(initial)
- An unlawful user of or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance. **Warning:** The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside. \_\_\_\_\_(initial)
- Adjudicated as a mental defective or have been committed to a mental institution.
- Diagnosed with a medical condition indicating you are physically or mentally diminished such as dementia or Alzheimer’s disease. \_\_\_\_\_(initial)
- Discharged from the Armed Forces under dishonorable conditions. \_\_\_\_\_(initial)
- Subject to a court order, including a Military Protection Order issued by a military judge or magistrate, restraining you from harassing, stalking, contacting, or threatening another person. \_\_\_\_\_(initial)

I will notify the Nevada County Sheriff’s Office immediately should I become subject to any of the above conditions. \_\_\_\_\_(initial)

Failure to satisfy any of these conditions may result in denial, suspension, or revocation of a LEOSA or California CCW endorsement. \_\_\_\_\_(initial)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
NCSO Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Qualified Former Deputy/Retiree Concealed Carry Qualification Agreement and  
Waiver of Liability**

I, \_\_\_\_\_, am a retired peace officer, or a qualified former deputy of the Nevada County Sheriff's Office. I am eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 and/or California Law (18 USC § 926C; Penal Code § 25455).

I understand that the Nevada County Sheriff's Office is not legally required to provide a firearms qualification course or provide me with firearms instruction.

I understand that to attempt to qualify to carry a concealed firearm, I may only fire my weapon under the direct supervision of a certified firearms instructor.

I agree to defend, indemnify, and hold harmless the County of Nevada and the Nevada County Sheriff's Office and/or its officers and employees, for any injury caused by my participation in this qualification process. I further waive any claim for damages against the County of Nevada and the Nevada County Sheriff's Office and its officers and employees, for any injury suffered by me while participating in this qualification process.

I agree to defend, indemnify, and hold harmless the County of Nevada and the Nevada County Sheriff's Office and/or its officers and employees, from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act of 2004 or California Law, including, but not limited to, any claims and/or civil litigation.

Furthermore, I have read, understand, and agree to the following conditions under LEOSA and California Law.

To the retiree, or qualified former deputy- Choose either or both LEOSA or CALIFORNIA conditions below. LEOSA conditions require an annual qualification and allow for a nationwide CCW permit. CALIFORNIA conditions require a qualification every 5 years and allow for a CCW permit within California.

OPTION A  
LEOSA CONDITIONS

- I agree to qualify annually with the authorized firearm at a course approved by the Nevada County Sheriff's Office at my own expense. \_\_\_\_\_(initial)
- I understand that I am personally responsible for all acts taken related to carrying a concealed firearm and that these acts were not taken as an employee or former employee of the Nevada County Sheriff's Office. \_\_\_\_\_(initial)
- I understand that I remain subject to all applicable Nevada County Sheriff's Office policies and federal, state and local laws. \_\_\_\_\_(initial)
- I will demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm. \_\_\_\_\_(initial)
- I understand that the Nevada County Sheriff's Office may run a criminal history background check to confirm my good character. \_\_\_\_\_(initial)

OPTION B:  
CALIFORNIA CCW CONDITIONS (Penal Code§ 26305)

- I agree to qualify at least every five years with the authorized firearm at a course approved by the Nevada County Sheriff's Office at my own expense. \_\_\_\_\_(initial)
- I understand that I remain subject to all applicable Nevada County Sheriff's Office policies and federal, state and local laws. \_\_\_\_\_(initial)
- I will not engage in conduct that compromises public safety. \_\_\_\_\_(initial)
- I understand that I am only authorized to carry a concealed firearm inspected and approved by a certified firearms instructor. \_\_\_\_\_(initial)
- I understand that I am personally responsible for all acts taken related to carrying a concealed firearm and that these acts were not taken as an employee or former employee of the Nevada County Sheriff's Office. \_\_\_\_\_(initial)
- I understand that the Nevada County Sheriff's Office may run a criminal history background check to confirm my good character. \_\_\_\_\_(initial)

I attest I am **not** currently subject to any of the below conditions which may affect my eligibility to carry a firearm concealed.

- Charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial. \_\_\_\_\_(initial)
- Indicted or convicted in any court, including a military court, of a crime above the level of an infraction. \_\_\_\_\_(initial)
- Suspected by law enforcement of committing a crime above the level of an infraction. \_\_\_\_\_(initial)
- A fugitive from justice. \_\_\_\_\_(initial)
- An unlawful user of or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance. **Warning:** The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside. \_\_\_\_\_(initial)
- Adjudicated as a mental defective or have been committed to a mental institution.
- Diagnosed with a medical condition indicating you are physically or mentally diminished such as dementia or Alzheimer’s disease. \_\_\_\_\_(initial)
- Discharged from the Armed Forces under dishonorable conditions. \_\_\_\_\_(initial)
- Subject to a court order, including a Military Protection Order issued by a military judge or magistrate, restraining you from harassing, stalking, contacting, or threatening another person. \_\_\_\_\_(initial)

I will notify the Nevada County Sheriff’s Office immediately should I become subject to any of the above conditions. \_\_\_\_\_(initial)

Failure to satisfy any of these conditions may result in denial, suspension, or revocation of a LEOSA or California CCW endorsement. \_\_\_\_\_(initial)

This CCW is issued based on authority granted to the Sheriff by the State of California. The bearer is responsible for knowing and obeying the law in each jurisdiction. The Sheriff disclaims all responsibility and liability for non-compliance in other jurisdictions.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
NCSO Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Supplemental Hate Crime Report.pdf**

**Hate incident (No Crime Committed)**

**Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

**VICTIM**

**VICTIM TYPE**

**Individual**

Legal name (Last, First):  
 \_\_\_\_\_

Date of Birth	Age	Sex	Race

**School, business or organization**

Name: \_\_\_\_\_

Type: \_\_\_\_\_  
 (e.g., non-profit, private, public school)

**Faith-based organization**

Name: \_\_\_\_\_

Faith: \_\_\_\_\_

**Other**

Name: \_\_\_\_\_

Type: \_\_\_\_\_

Address: \_\_\_\_\_

Date and time of incident:  
 \_\_\_\_\_

Location of incident:  
 \_\_\_\_\_

Date and time of report:  
 \_\_\_\_\_

Location of report:  
 \_\_\_\_\_

Agency Case #:  
 \_\_\_\_\_

**NATURE OF CALL FOR SERVICE (check all that apply)**

Crime against persons

Crime against property

Gang activity

Other \_\_\_\_\_

**BIAS**

**TYPE OF BIAS**

*(Check all characteristics that apply)*

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

*(e.g., 9/11, holy days)*

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: \_\_\_\_\_

**ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT**

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

**REASON FOR BIAS:**

Do you feel you were targeted based on one of these characteristics?

Yes     No

Do you know what motivated the suspect to commit this crime?

Yes     No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes     No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes     No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes     No

**BIAS INDICATORS (CHECK ALL THAT APPLY):**

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: \_\_\_\_\_

**HISTORY**

<b>SUSPECT INFORMATION</b>				<b>RELATIONSHIP BETWEEN SUSPECT &amp; VICTIM</b>			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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  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:  Yes  No

Marsy's Law Handout       Hate Crimes Brochure       Other: \_\_\_\_\_

**MEDICAL**

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

## **Ride Along Program Agreement Form doc.pdf**

**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
Sheriff/Coroner  
Public Administrator

**Ride-Along Program Agreement  
ASSUMING RISK OF INJURY OR DAMAGE WAIVER AND RELEASE OF CLAIMS**

I, the undersigned, not being a member, employee, or agent of any law enforcement department, have made a voluntary request for permission to ride as an observer in a law enforcement vehicle at a time when such vehicle is operated and manned by members of the Nevada County Sheriff's Office, and have further requested permission to accompany a member or members of said law enforcement department during the active performance of their official duties.

By signing this Agreement, I understand and acknowledge that the work and activities of said law enforcement department are inherently dangerous, involving possible risk of death or injury, damage, expense, or loss of personal property.

By signing this Agreement, I understand and acknowledge that during the ride-along I may be subjected to high speed pursuits, intentional or unintentional collisions, and random acts of violence by criminals; and circumstances may require that I exit the vehicle and end the ride-along at any time so that law enforcement activities may be pursued.

I, on behalf of myself, heirs, executors, administrators, successors, and assigns, do hereby release, acquit and forever discharge and covenant to hold harmless the County of Nevada and its officers, officials, employees, agents and volunteers, including the Nevada County Sheriff's Office and its officers, employees, agents and volunteers, and each of them, from any and all claims, demands, actions, causes of action, rights, damages, costs, fees, expenses, and any other compensation, whatsoever, including but not limited to property damage, bodily injury and wrongful death, under any circumstances whatsoever incurred as a result of my participation in the Ride-Along Program, including but not limited to riding as an observer in any Nevada County Sheriff's Office vehicle, or while accompanying a member of said department during the active performance of his or her official duties as a peace officer.

In amplification of this waiver and release of liability, to the extent that the Ride-Along Program participant is a minor, I/we as the parent(s) or legal guardian(s) of said minor do hereby release, acquit and forever discharge and covenant to hold harmless the County of Nevada and its officers, officials, employees, agents and volunteers, including the Nevada County Sheriff's Office and its officers, employees, agents and volunteers from all claims, demands, actions, causes of action, rights, damages, costs, fees, expenses, and any other compensation, whatsoever, including but not limited to property damage, bodily injury and wrongful death, which we may hereafter have for ourselves as the parents and/or guardians of said minor, and also all claims or rights of action for damages which said minor may hereafter have, either before or after said minor has reached his or her age of majority, or which may hereafter accrue against the County of Nevada and its employees, agents, servants, successors, administrators, independent contractors and representatives, arising out of the minor's participation in the Ride-Along Program.

**BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS RIDE-ALONG PROGRAM AGREEMENT AND RELEASE OF LIABILITY.**

\_\_\_\_\_ Date: \_\_\_\_\_  
(Rider's Printed Name) (Rider's Signature)

Preferred Day(s) of Week: \_\_\_\_\_ Watch Desired: Day  Night

Address: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ Date of Birth: \_\_\_\_\_ ID # \_\_\_\_\_  
Driver's license, etc.

Have you ever been arrested Yes  No

Reason for Ride-Along \_\_\_\_\_

Parent/Guardian Signature is required if Rider is under 18 years of age

\_\_\_\_\_ Date: \_\_\_\_\_  
(Parent/Guardian Printed Name) (Parent/Guardian Signature)

<b>FOR DEPARTMENT USE ONLY</b>	
Date and Time ____/____/____	Deputy _____
Approved by _____	Printed Name _____

## **Senior and Disability Victimization Appendix.pdf**



Senior and Disability Victimization Supplemental Appendix

- (i) When necessary deputies shall cooperate, collaborate, and seek out the assistance from the Bureau of Medi-Cal Fraud and Elder Abuse, other state law enforcement agencies with jurisdiction, adult and child protective services, local long-term care ombudsman programs, and other responsible agencies.
- (ii) Interview techniques: Deputies shall use appropriate interview techniques for interviewing potential victims and witnesses with cognitive or communication disabilities, including, but not limited to, avoiding repeated interviews when possible.
- (iii) As part of the investigation deputies shall:
- (I) Check prior reports received by adult or child protective services agencies, local long-term care ombudsman programs, except as provided in Section 9725 of the Welfare and Institutions Code, and any other responsible agencies.
  - (II) Interview each alleged victim, each witness, and each suspect who is available.
  - (III) View all body-worn camera videos and all other films.
  - (IV) Listen to all calls from mandated reports or other callers.
  - (V) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.
- (iv) Reports shall be forwarded to the Nevada County District Attorney's Office for prosecution if recommended.
- (v) If the agency deems it appropriate, the Investigation Response section and Addendum B of the San Diego County Elder and Dependent Adult Abuse Blueprint or the Elder Abuse Guide for Law Enforcement of the National Center on Elder Abuse at the University of Southern California.

## **Elder Abuse Blueprint.pdf**



## SAN DIEGO COUNTY ELDER AND DEPENDENT ADULT ABUSE BLUEPRINT 2018

COORDINATED. CARING. COMMUNITY RESPONSE.

# SAN DIEGO COUNTY ELDER AND DEPENDENT ADULT ABUSE BLUEPRINT

COORDINATED. CARING. COMMUNITY RESPONSE.

## HISTORY

In the summer of 2017, San Diego District Attorney Summer Stephan began a formal planning process to coordinate San Diego's community response to elder abuse. Because of a rise in elder abuse prosecutions, as well as the impending explosion of the elder population, the District Attorney brought together countywide stakeholders on November 3, 2017 for a first-ever "think-tank" of experts, including professionals from all disciplines that serve as touchpoints for elder and dependent adults. Those experts identified gaps and needs in our community, and set goals for the future. District Attorney Stephan then convened a larger Elder and Dependent Abuse Summit on March 1, 2018, where this Blueprint was unveiled and endorsed. For the first time, our county has a formalized written set of goals and guidelines to enable us to utilize best practices as we collectively serve our elders and dependent adults.

## MISSION STATEMENT AND VALUES

This Blueprint commits San Diego County to a coordinated community response to Elder and Dependent Adult Abuse. We are committed to thoughtful, prompt, thorough and effective services to the victims we serve. We will strive to utilize best practices in our fields, as well as to cooperate, collaborate, communicate and train with others dedicated to this mission.

## NEED FOR A COUNTYWIDE BLUEPRINT

The United States Census Bureau reports that by 2050, the world's population aged 65 and older will increase to almost 1.6 billion people. One in six people will be 65 or older in 2050. In San Diego County, almost 23% of the population is projected to be over age 65 by the year 2050, which is a 10% increase from 2015. The County of San Diego's Adult Protective Services data is consistent with these predictions, as there has been a 17.1% increase in new cases assigned for investigation compared to fiscal year 2007-2008. In fiscal year 2015-2016, there were a total of 13,755 reports of suspected abuse. San Diego community partners will prepare for this growth and strategize how best to serve our seniors.

*"Our civilization  
will be judged  
on how we  
treat our  
youngest and  
our oldest  
members"*

--Summer Stephan  
San Diego County  
District Attorney



## NECESSARY DEFINITIONS

**Elder:** any person 65 years or older (CA Penal Code section 368(g), Welfare and Institutions Code section 15610.27)

**Dependent Adult:** any person between the ages of 18 and 64 who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (PC 368(h), W&I 15610.23(a))

**Caretaker:** any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or dependent adult, whether paid or not. (PC 368(i))

## DISPATCHER RESPONSE

Dispatchers are an integral part of the community response to elder abuse because they are a first touchpoint to the abuse. Dispatchers should continue their education on signs of abuse and receive ongoing training on Alzheimer's and other related dementias.

## PATROL RESPONSE

Responding peace officers play a crucial role in creating successful outcomes for Elder and dependent adult victims. Patrol officers and deputies in San Diego County will strive to do the following when feasible:

- Become educated about various elder and dependent adult abuse, and penal code sections accounting for physical and financial abuse, as well as neglect. The most relevant code sections are contained in **ADDENDUM A**.
- Request Emergency Protective Orders when legally appropriate in order to best protect elder victims.
- Treat elder and dependent adult citizens with dignity and respect.
- Follow interview guidelines in **ADDENDUM B** for interviewing elders and dependent adults.
- Recognize that elder or dependent adults may have difficulty narrating events, appear to be poor historians, or lack short term memory, which adds to their vulnerability.
- Document the scene using the San Diego Countywide Elder and Dependent Adult Abuse Supplemental contained in **ADDENDUM C**.
- Cross-Report to Adult Protective Services (APS) by calling 1-800-510-2020 (from within San Diego County area codes) or 1-800-339-4661 (from area codes outside San Diego County) and follow-up by sending a written report of documented suspected abuse within two working days, or reporting through the Aging and Independence Services Web Portal at [www.aiswebreferral.org](http://www.aiswebreferral.org), which does not require any follow up written report. (W&I 15640(c) and 15658.)
- Obtain a signed medical release from potential victims.
- Interview caregivers separately. In some situations, the caregiver may be the abuser.
- Recognize victim cooperation is not always necessary for prosecution. Each dispatched call or case should be investigated on its own evidentiary merits.

- Consult with a supervising Elder Abuse Deputy District Attorney or Deputy City Attorney to determine whether the case is more than simply “civil” in nature.
- **Physical Abuse/Endangerment Cases:** Document all injuries, obtain statements from each elder or dependent adult and document the demeanor of the elder or dependent adult. Photograph or videotape the suspected crime scene, and document any physical evidence and the general appearance of the residence. Seize any objects used to injure the elder or dependent adult and document any medications present at the scene and any pertinent medical history or conditions. Interview the medical personnel available. Reports: 1) Prepare an initial crime report in all cases of suspected physical abuse or endangerment and 2) Cross report to APS (see section below titled, “cross reporting requirements.”)
- **Financial Abuse:** Determine the identity of the reporting party, any relationship between the reporting party and the elder or dependent adult, and why the reporting party notified law enforcement. Determine the dates of economic loss, how the loss was discovered, and who discovered the loss. Obtain sample signature of the elder or dependent adult. Identify and interview, when feasible, all witnesses who may have relevant information. Interview any caregivers to determine their duties and responsibilities, including any financial agreements or loans provided to a caregiver by the elder/dependent adult. Obtain written consent to request bank records, credit statements, real estate loan documents and other relevant financial information. When feasible, document and collect all accessible financial documents pertaining to the suspected financial abuse.
- **Neglect cases:** Neglect occurs when a caretaker or custodian fails to act with a degree of care that a reasonable person would have used when caring for an elder or dependent adult. Officers should do their best to document all physical evidence and consider videotaping the living conditions.
- **Special Considerations/Circumstances with Domestic Violence involving the Elderly:** On occasion domestic violence offenders may be elderly or extremely infirmed. In some cases it may be possible to establish that an elderly offender is not competent, not aware of their actions and/or was previously diagnosed by a physician or Adult Protective Services (APS) of not being competent to make their own decisions as a result of dementia or a related disorder of cognitive decline. It is important to be aware that some offenders present a significant health risk due to the shock of incarceration and or removal from their normal place of residence as a result of their advanced age or significant medical condition or diagnosis of Alzheimer’s or other related dementia. In addition to investigating/documenting the domestic violence incident as outlined in the San Diego County Law Enforcement Domestic Violence protocol, some or all of these options may be applicable based on the individual set of circumstances as alternatives to arrest/booking:
  - Obtaining an Emergency Protective Order (EPO) and ensuring family members can keep the victim and offender in separate locations
  - Evaluate for 5150 W&I and if feasible/and or appropriate, commit offender to either an LPS designated hospital or CMH
  - Contact/request local or available PERT (Psychiatric Emergency Response Team) team
  - Complete an arrest report indicting the offender was released pursuant to Penal Code section 849(b) or taken into custody and released thereafter to a competent third party who will assure the safety of both the victim and the offender
  - Contact the duty Adult Protective Services/Aging and Independent Services representative (1-800-510-2020) for additional resources to keep the victim safe and separated from the offender if the offender cannot be incarcerated/booked.
  - Cross-Report to APS (see **ADDENDUM G**)

## INVESTIGATION RESPONSE

Follow-up investigations are necessary in many elder abuse cases, as first responders may not be in the best position to gather all existing evidence. Follow-up investigations in San Diego County when feasible should include:

- Determining the victim is safe and whether there is a need for emergency housing.
- Cross-reporting to APS.
- Making contact with the assigned APS social worker, Ombudsman or Department of Justice for the possibility of joint investigation or sharing of information when appropriate and if necessary.
- Obtaining any prior APS referrals if they exist.
- Verifying that the initial investigation by patrol addressed all elements of the reported crime.
- Obtaining and viewing all available evidence, including medical information, photographs, bank, checking and financial records.
- Determining if more evidence should be collected or obtained.
- Follow-up interview of victim as soon as possible, preferably videotaped, and outside the presence of caregiver or others present in the home.
- Attempting to interview the suspect when legally appropriate, preferably videotaped.
- Attempting to make appropriate law enforcement notifications if suspect remains unidentified.
- Taking advantage of other countywide resources if needed, including those listed in **ADDENDUM D**.
- Obtaining a signed medical release from victim if not already received by patrol.
- If victim is conserved, obtaining conservator-signed release, along with paperwork that documents the conservatorship.
- Interviewing the victim's treating physician or other medical professionals that interviewed the victim.
- Conducting follow-up interviews with neighbors, family members, or others that may have information or evidence about the incident.
- Conducting a recorded pretext call if necessary, reasonable, and warranted.
- Executing warrants for electronics that may contain relevant evidence.
- Collecting dispatch 911 recordings for current incident and any past incidents.
- Sharing and preserving body-worn camera evidence.
- Collecting physical or documentary evidence related to the crime.
- Obtaining handwriting samples from the victim and the suspect. Have the suspect sign his/her name, as well as the victim's name.
- Documenting the suspect's access to victim's financial information.

## PROSECUTION RESPONSE

The San Diego City Attorney's Office and the San Diego County District Attorney's Office will dedicate specially trained prosecutors to handle elder abuse cases vertically. Prosecutors are strongly encouraged to do the following when feasible and legally appropriate:

- Become familiar with best-practices in the field of Elder and Dependent Adult Abuse prosecution.
- Participate in outreach to elevate awareness and education in the community about elder and dependent adult abuse.
- File Penal Code section 368 crimes either as misdemeanors or as felonies.
- Request Criminal Protective Orders.
- Oppose case continuances due to the vulnerable nature of elder victims and witnesses when legally appropriate.
- Conduct conditional exams of elder or dependent adult victims in order to preserve their testimony.
- Treat all victims and witnesses in a trauma-informed way with dignity, respect, and care.
- Use experts including handwriting analysts, forensic accountants, wound care experts, civil attorneys, geriatricians, geriatric psychologists, psychiatrists, and deputy medical examiners to provide evidence related to necessary elements of the elder abuse crimes.
- Be familiar with the "San Diego County Prosecutor Elder & Dependent Adult Case Preparation Checklist" attached in **ADDENDUM E**.
- Use a prosecutor-checklist to enhance collection of evidence and have consistency in case preparation such as the one attached in **ADDENDUM E**.
- Make efforts to secure victim restitution as early as possible in the criminal process.
- Elicit victim testimony with full-cross examination as soon as possible after charging, due to *Crawford v. Washington* 6<sup>th</sup> amendment concerns.
- Participate in ongoing training and education in the field of Elder and Dependent Adult Abuse.
- Achieve consistency and uniformity when possible in case issuance, handling, and resolution.

## RESTRAINING ORDERS

Restraining orders are one of the most important public safety tools we have to protect elder and dependent adults. All criminal justice system partners should familiarize themselves with the available restraining order options available in **ADDENDUM F**, obtain restraining orders for victims if appropriate, and enforce restraining orders according to the Penal Code. (Penal Code sections 836(c)(1); 13701; 13710 136.2; 1371(c); 136.2(h)(2).) Criminal Protective Orders in elder or dependent adult cases may be valid for up to 10 years. (Penal Code section 368(l).) Officers shall enforce out of state protective orders or restraining orders that are presented to them if 1) the order appears valid on its face, 2) the order contains both parties' names, and 3) the order has not yet expired. "Out of state orders" include those issued by U.S. Territories, Native Tribes, and military agencies. (Full Faith and Credit Provision of the Violence Against Woman Act, Family Code sections 6400-6409.) This protocol should be read in conjunction with the San Diego County Domestic Violence and Children Exposed to Domestic Violence Law Enforcement Protocol adopted in 2015.

## **PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT)**

The Psychiatric Emergency Response Team consists of specially trained officers and deputies who are paired with licensed mental health professionals. Together, they respond on-scene to situations involving people who are experiencing a mental related crisis and have come to the attention of law enforcement. The PERT team is a tremendous resource for law enforcement in the response to elders who may have Alzheimer's or other related dementias. PERT teams are encouraged to continue collaboration and cooperation with law enforcement and participate in cross-training with community partners so PERT teams can best support law enforcement and elderly perpetrators/victims.

## **CROSS-REPORTING**

Depending on the location of the abuse, the type of abuse, and whether the suspect is a licensed health practitioner, law enforcement, adult protective services, and the local ombudsman are required to cross-report incidents of abuse, and report the results of their investigation of referrals or reports of abuse to the respective referring or reporting agencies listed in **ADDENDUM G** (W&I 15640).

## **MANDATED REPORTING**

Welfare and Institutions Code sections 15630-15632 mandate that certain individuals must report any abuse or suspected abuse to elders or dependent adults. Mandated reporters shall make a report whenever the mandated reporter:

- In his/her professional capacity or within the scope of his/her employment;
- Has knowledge of or observes abuse or neglect;
- Is told by an elder or dependent of abuse or neglect; or
- Reasonably suspects abuse or neglect. (W&I 15630)

**What happens if a mandated reporter does *not* report?** A mandated reporter who fails to report an incident of known or reasonably suspected elder and dependent abuse or neglect is guilty of a misdemeanor, and can be fined or sentenced to jail time. (W&I 15630(h).)

### **Who is a mandated reporter? (W&I 15630(a).)**

- Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation
- Administrators, supervisors and any licensed staff of a public or private facility that provides care or services for elder or dependent adults
- Elder or dependent adult care custodian
- Health practitioner
- Clergy member
- Employee of the Adult Protective Services agency
- Law enforcement
- All officers and employees of financial institutions

**When and how must a mandated reporter make the report?** Mandated reporters shall report by telephone or the confidential internet reporting tool immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made within two working days.

**Telephone Call:** Immediately or as soon as practically possible, call Adult Protective Services at **1-800-510-2020** (from within San Diego County area codes) or **1-800-339-4661** (from area codes outside San Diego County)

If abuse occurred in long-term care facility call Long Term Care Ombudsman at **1-800-640-4661**.

**Written or confidential internet report:** Within two working days, fill out form SOC 341 or SOC 342 (financial institutions).

**Online Submissions:** [www.AISWebReferral.org](http://www.AISWebReferral.org) Mandated reporters can register ahead of time and be approved to submit non-emergent reports 24/7 and no paper SOC 341/342 is required with this method.

**Can a mandated reporter be civilly liable for reporting abuse?** No. Mandated reporters shall not be civilly or criminally liable for any report made. (W&I 15634)

**Confidentiality of mandated reporter:** The reports made pursuant to W&I sections 15630, 15630.1, and 15631 shall be confidential and may be disclosed only to persons or agencies who legally are entitled to the information, such as Adult Protective Services, a local law enforcement agency, the office of the District Attorney, the office of the City Attorney, the office of the Public Guardian, the Probate Court, members of multidisciplinary teams who use the information for prevention, identification or treatment of abuse or elderly or dependent persons, and all others listed in W&I 15633.5.

## **OMBUDSMAN REPORTING REQUIREMENTS**

The Long Term Care Ombudsman will ask all victims or authorized representatives if they want law enforcement or the Bureau of Medi-Cal Fraud involved. If the victim or victim's authorized representative consents, the Ombudsman shall cross-report known or suspected criminal activities to local law enforcement or to the Bureau of Medi-Cal Fraud & Elder Abuse as soon as possible and must follow up with a written report within two working days. (W&I 15640(d).) If the Ombudsman's office learns of any instance of neglect occurring in a health care facility that has seriously harmed any patient or reasonably appears to present a serious threat to the health or physical wellbeing of a patient in that facility, it shall immediately report by phone and in writing within two working days to the bureau. If the victim or potential victim of the neglect withholds consent to being identified, the report shall contain circumstantial information about the neglect but shall not identify the victim or potential victim. (W&I 15640(d).)

## **SUSPECTED SEXUAL ABUSE OF AN ELDER OR DEPENDENT ADULT**

When sexual abuse is suspected, efforts should be made by all community partners to treat the elder victim with dignity and care, with the recognition that many victims delay in their disclosure of sexual abuse for reasons including but not limited to fear, shame, embarrassment, and self-doubt. Ideally, repeated interviews should be kept to a minimum, and all criminal justice and community partners involved should do their best to communicate and collaborate with one another in a search for the truth. Victims should be notified that they have the right to a support person of their choosing pursuant to Penal Code sections 679.04 and 264.2. Crime reports and cross-reports should be made pursuant to

the sections in this protocol titled “Cross-Reporting.” Documentation of the physical evidence and crime scene is important, as are any injuries to the victim. Coordination with and dispatch of the Sexual Assault Response Team, according to department policy, should be done as quickly as reasonably possible to ensure any appropriate examination can be conducted with consent of the elder victim, or with consent from the victim’s legal guardian, conservator, or attorney in fact for health care. Exams are activated by calling 760-739-2150 (business hours) or through the 24-hour phone line at 888-211-6347 (holidays, weekends, after business hours). Recorded interviews should be made for suspects, and documentation made of all statements made by suspects. When taking a suspect into custody, law enforcement should follow any department policies regarding collection of evidence or performing a standard rape kit on the suspect.

### **AGING AND INDEPENDENCE SERVICES**

Aging and Independence Services (AIS) provides services to older adults, people with disabilities, and their family members, to help keep clients safely in their homes, promote healthy and vital living, and publicize positive contributions made by older adults and persons with disabilities. AIS operates a call center that provides aging and disability resource information for the community as well as serves as the hotline for reporting elder and dependent adult abuse. AIS commits to continued collaboration and partnership with criminal justice agencies dedicated to serving the elder population and dependent adults.

### **ADULT PROTECTIVE SERVICES**

AIS operates Adult Protective Services, which serves adults 65 and older and dependent adults 18 and older, who are harmed or threatened with harm, to ensure their rights to safety and dignity. APS investigates elder and dependent adult abuse, including cases of neglect and abandonment, as well as physical, sexual and financial abuse. APS commits to partner and collaborate with other criminal justice agencies dedicated to the prevention of and response to elder and dependent adult abuse. APS further commits to involvement with the San Diego Elder and Dependent Adult Death Review Team, which reviews elder and dependent adult deaths in the County of San Diego to determine if system-wide changes or improvements should be made.

### **LONG TERM CARE OMBUDSMAN**

The County of San Diego’s Long Term Care Ombudsman (LTCO) program is a part of AIS. LTCO advocates for residents in long term care facilities, such as nursing homes, as well as investigates abuse in other licensed facilities. An Ombudsman listens to concerns, provides information and assistance when requested, and will investigate and resolve complaints related to care or personal rights. The Long Term Care Ombudsman commits to partner and collaborate with criminal justice agencies dedicated to the prevention of and response to elder and dependent adult abuse.

### **OFFICE OF THE PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN/PUBLIC CONSERVATOR**

Within the Office of the Public Administrator/Public Guardian/Public Conservator, the Public Administrator serves as the administrator of decedent estates and attends to their final affairs, at times involving issues of abuse and neglect of older adults and adults with disabilities. The Public Guardian serves as the legally-appointed conservator for persons found by the Probate Court to be substantially unable to attend to their own care needs and/or effectively manage their assets, particularly where no other person is able and available to reasonably act on their behalf. Frequently, Public Guardian conservatees are frail, residing in skilled nursing facilities, and previously the victims of abuse and/or neglect. The Public Conservator serves as the legally-appointed Lanterman-Petris-Short (LPS)

conservator for persons struggling with grave disability due to a mental illness and therefore acts to secure stabilizing treatment services and evaluate the need for conservatorship re-establishment on an annual basis. The Office of the Public Administrator/Public Guardian/Public Conservator commits to partner and collaborate with other criminal justice agencies dedicated to the prevention of and response to elder and dependent adult abuse.

### **CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, COMMUNITY CARE LICENSING DIVISION, SENIOR CARE PROGRAM OFFICE**

Community Care Licensing (CCL) commits to continue their existing collaboration with the Office of the Attorney General as well as the San Diego District Attorney's Office and San Diego City Attorney's office to best protect elders and dependent adults residing in Assisted Living facilities and community care facilities. CCL will continue to be a valued partner in the assisted living facility coordinated program sponsored by County Supervisor Dianne Jacob and refer suspicious cases to the Attorney General, the District Attorney, or the City Attorney when appropriate.

### **ATTORNEY GENERAL'S OFFICE**

The Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse (AG) serves as a valued community partner in the Assisted Living Facility program sponsored by County Supervisor Dianne Jacob, as well as a partner with the San Diego District Attorney's office sharing jurisdiction to investigate and prosecute elder and dependent adult abuse in other institutional settings, including nursing homes and hospitals. The AG will continue to collaborate with other stakeholders to best protect elders and dependent adults.

### **SUSPICIOUS DEATH/HOMICIDE**

An unexplained or suspicious elder or dependent adult death should be treated as a homicide until a complete investigation including autopsy has been performed. Do not presume that all elder deaths are natural simply because of the age or physical limitations of the deceased.

### **REMOVAL OF FIREARMS FROM THOSE LEGALLY PROHIBITED TO POSSESS THEM**

Law enforcement should be familiar with the laws surrounding firearm relinquishment of those individuals who cannot legally possess them. (Penal Code section 18100 et. seq.) When law enforcement verifies that a restraining order has been issued, the officer shall make reasonable efforts to determine if the restraining order prohibits the possession of firearms and/or requires the relinquishment of firearms. If the order prohibits firearms possession, when feasible and reasonable, the officer will make reasonable efforts to:

- Inquire whether the restrained person possesses firearms (ask the restrained person or the protected person).
- Query through the California Law Enforcement Telecommunication Systems (CLETS) and the Automated Firearms System (AFS) to determine if any firearms are registered to the restrained person.
- Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search. (PC 18250(a).)

## ELDER AND DEPENDENT ADULT DEATH REVIEW TEAM

The County of San Diego Elder Death Review Team meets quarterly to review suspicious elder and dependent adult deaths occurring in San Diego County. The goal of the multidisciplinary team is to identify risk factors associated with these deaths, maintain statistical data, facilitate communication between involved investigative agencies, and identify any system improvements that could have been made surrounding the suspicious death. Information gathered by the Elder Death Review Team and any recommendations made by the team are used to develop education, prevention, and if necessary, prosecution strategies that will lead to improved coordination of services for families and the elder population. This Blueprint serves as a re-commitment by community partners to continue participation and support of this important multidisciplinary team and routinely provide data to the public in a report.

## EMERGENCY MEDICAL TECHNICIANS AND PARAMEDIC FIRST RESPONDERS

First responding Emergency Medical Technicians (EMT), Paramedics (PM) or EMT/PM firefighters play a crucial role in creating successful outcomes for elder and dependent adult victims. First responders in San Diego County strive to do the following when feasible:

- Become educated about physical, financial and neglect elder abuse.
- Treat elder and dependent adult with dignity and respect.
- Request law enforcement response when Elder abuse is suspected by or reported to EMS/Fire personnel.
- Follow applicable guidelines in **ADDENDUM B** when assessing elder and dependent adults for a medical complaint or injuries.
- Recognize that elder or dependent adults may have difficulty narrating events, appear to be poor historians, or lack short term memory, which adds to their vulnerability as potential victims.
- Document the scene and all injuries using electronic patient care record (ePCR).
- Cross report to APS by calling 1-800-510-2020 and follow up by sending a written report of documented suspected abuse within two working days, or complete an AIS Web Referral. (W&I 15640(c).)
- Interview caregivers separately. In some situations, caregiver may be the abuser.
- **Neglect cases:** Neglect occurs when a caretaker or custodian fails to act with a degree of care that a reasonable person would have used when caring for an elder or dependent adult. First responders should do their best to document all physical evidence and consider keeping EKG monitor on for entire incident.

## CONCLUDING COMMITMENT

San Diego Community Partners and Stakeholders have come together to collaborate on this important protocol. This Blueprint signifies our ongoing commitment to a coordinated community response to elders, seniors, and dependent adults so they are served with dignity, compassion, and the highest quality of care.

**NCSO LETTER OTHER THAN SHERIFF.pdf**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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January 29, 2019

Addressee  
Addressee's Address  
City, State 99999

Re: Employee kudo

Dear Addressee:

Today your employee, Jane Doe, participated as a panelist for oral board interviews conducted in order to fill a vacancy in our Communication's Center. Ms. Doe's assistance was much appreciated. Her presence added another perspective, aiding us in selecting the best dispatcher candidate. She represented your department (agency) admirably.

I appreciate your authorization to Ms. Doe to leave her post and assist us with our search for a new employee. We are at the ready to return the favor should you need it.

Sincerely,

Shannan Moon  
Sheriff-Coroner

---

Alicia Burget  
Administrative Captain

**NCSO SAMPLE LETTER WITH TWO PAGES.pdf**

**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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I appreciate your authorization to Ms. Doe to leave her post and assist us with our search for a new employee. We are at the ready to return the favor should you need it.

More talking to fill up the page, more and more and more and more and more and more.....

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Letter to Addressee  
January 29, 2019  
Page 2

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more.....  
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Sincerely,

Shannan Moon  
Sheriff-Coroner

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Alicia Burget  
Administrative Captain

## **Naloxone Utilization Report.pdf**



# S-SV EMS Law Enforcement Naloxone Utilization Patient Care Report



Law Enforcement Agency Information			
Agency Name:			
Incident Date:		Event/Report #:	
Dispatch Time:		On Scene Time:	
Incident Location (including city):			
Patient Information			
Patient Name:	<input type="checkbox"/> Male <input type="checkbox"/> Female	Age:	DOB:
Indication/Presenting Patient Condition:			
Naloxone Administration Detail			
Time:		Dose:	
Time:		Dose:	
Patient Response To Naloxone Administration: <input type="checkbox"/> Improved <input type="checkbox"/> Unchanged <input type="checkbox"/> Worse			
Additional Notes/Comments/Complications:			
EMS Provider/Agency Assuming Patient Care:			
Treating Officer Name:			Badge/Unit #

Please submit a copy of the completed report to the S-SV EMS Agency

Email: [john.poland@ssevms.com](mailto:john.poland@ssevms.com) or Fax: (916) 625-1720

**NCSO SHERIFF LETTER.pdf**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

---

January 29, 2019

Addressee  
Addressee's Address  
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I appreciate your authorization to Ms. Doe to leave her post and assist us with our search for a new employee. We are at the ready to return the favor should you need it.

Sincerely,

Shannan Moon  
Sheriff-Coroner

## **Statutes and Legal Requirements.pdf**

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## 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.

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## 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.

**Discriminatory Workplace Harassment  
Policy acknowledgement.pdf**

**NEVADA COUNTY SHERIFF'S OFFICE**

**Discriminatory Workplace Harassment Policy**

**SIGNED STATEMENT OF UNDERSTANDING**

I have read and understand the Discriminatory Workplace Harassment Policy of this department. I agree to comply with this policy and understand that this signed statement will be placed in my Personnel File.

\_\_\_\_\_  
Signature of employee

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

**DRUG ENDANGERED CHILDREN CHECKLIST.pdf**



## Drug Endangered Children Checklist

**\*\*Note\*\* Nothing in the checklist is intended to negate or alter the Lexipol Policy on Child Abuse**

### Name(s) of child(ren) and date(s) of birth:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

### Name of Parent(s) Caregiver(s) alleged to place child(ren) in danger:

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

### Identify circumstances leading to referral:

-Parent/Caregiver is alleged to be substance abuser and child is neglected and/or in hazardous situation; parent/caregiver is alleged to have engaged in drug sales, manufacturing (e.g., clandestine drug lab), cultivation, other drug-related environment; mother is alleged to have used substances during pregnancy.

### Note signs of neglect:

Availability of clean air, clean food, clean water and overall cleanliness of the home.

### Complete on-site investigation/evidence collection:

Photograph child, document physical condition of child, measure height and reach of the child, measure height and location of the drug(s), weapon(s), hazard(s), and/or pornography, document and photograph inside and outside of residence, living conditions, cleanliness of home, functioning utilities, available food, specific items or areas that endanger the children. Diagram the site and measure rooms if applicable. Note what dangers and hazards the children are exposed to including number and locations of drugs, drug paraphernalia, guns, weapons. Identify if children had access to drugs or access to where drug activities occurred. Photograph and/or measure the children's belongings in proximity to the hazards

### Conduct interview of the suspect:

Interview parents/caretakers for drug and child endangerment issues.

Do not allow unsupervised time for suspects with children to prevent contamination of the forensic interview and intimidation of a child witness

### Conduct interview of the child:

A forensic interview if possible. Include; children's knowledge of the drug use, trafficking and manufacturing. Their living area in relation to the above items. Physical or Sexual abuse. Medical problems and school attendance.

### Contact CPS:

A CPS worker will respond and take custody of the child. Fill out the Delivery of Custody of Child form and provide CPS with a copy. Atch your copy to your report.

### Obtain urine sample:

CPS will obtain urine sample from child during the health examination with the Public Health Nurse. Coordinate with CPS to take custody of the urine sample. The sample must be picked up within a reasonable amount of time. NOTE: If you are unable to obtain the urine sample before the end of shift, ensure another deputy can respond to take custody of the sample in your absence, book the sample into the Sheriff's Property Unit and document in a supplemental report.

### Complete a Suspected Child Abuse Report (SCAR) and Handle with Care:

Complete the SCAR and forward to appropriate agencies. Complete Handle with Care notification (when age appropriate).

**NCSO SAMPLE MEMO.pdf**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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Date: June 30, 2020  
To: Sheriff Shannan Moon  
From: Undersheriff Alicia Burget  
Subject: Employee Recognition

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The following employees have been nominated to receive an employee recognition award. Please let me know if you have any additions to add to the list or any reservations regarding those currently on the list.

John Doe

Jane Doe

The awards ceremony is scheduled for July 31, 2020.

## 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>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  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>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b>  <b>(Check all characteristics that apply):</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  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</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)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <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>  <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>  <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>  <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>  <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>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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	<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>
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<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>
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<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>
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# 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	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<table style="width: 100%;"> <tr> <th style="text-align: left;"><u>Victim</u></th> <th style="text-align: left;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table>	<u>Victim</u>	<u>Suspect</u>		<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	<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment											
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment											
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment												
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No														

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## **NEW CITIZEN ARREST.pdf**

**COUNTY OF NEVADA, STATE OF CALIFORNIA**

**ORDER OF ARREST**  
(PRIVATE PERSON)



**TO: SHANNAN MOON, Sheriff, County of Nevada,  
State of California**

Agency Case # \_\_\_\_\_

**THE PEOPLE OF THE STATE OF CALIFORNIA**

**vs.**

**CHARGE:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Defendant.**

**You are hereby requested to take into custody the above-named defendant, having committed a misdemeanor in my presence, and hold him in the Nevada County Jail pending his/her release by Bail or Order of Magistrate.**

**The above-named person was arrested by me under the authority of Section 834, Section 837, and Section 841 of the California Penal Code.**

**I will further, in the interest of justice, appear in the office of Shannan Moon, Sheriff of Nevada County, to swear to a complaint against said defendant and to appear as a witness for the People of the Municipal County of the Township in which the arrest was made.**

**DATED:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Arresting Party**

\_\_\_\_\_  
**Deputy Sheriff**

\_\_\_\_\_  
**Deputy Sheriff**

**MUPS GUIDE.pdf**

All local police and sheriffs' departments shall accept any report of a missing person (MP) without delay, per Penal Code §14205(a). Report types are listed by age group; note the applicable code section: Penal Code (PC), Education Code (EC), or federal statute (U.S.C.).

REQUIRED ACTION							
MISSING PERSON AGE	"Be On the LookOut" Bulletin	Missing Person System (MPS) Entry	Missing Person Report Forwarded to Appropriate Jurisdiction	Initial Coroner Check	Missing Person Report with Photograph and X-rays Submitted to DOJ	Written Notice to School	DNA - Advise of Right to Submit Sample <sup>3</sup>
At Risk <sup>1</sup> (any age)	Without Delay PC §14205(a)	Within 2 Hours PC §14205(b)	Within 24 Hours PC §14205(c)	Immediately <sup>3</sup> PC 14206(a)(2) <sup>3</sup>	Within 24 hours submitted to DOJ PC §14206(a)(2)	If a child, within 10 days EC 49068.6	30 Days PC 14250(c)(2)
0 to 15	Without Delay PC §14205(a)	Within 2 Hours PC §14205(b)	Within 24 Hours PC §14205(c)	Immediately <sup>3</sup> PC 14206(a)(2)	Within 24 hours submitted to DOJ <sup>2</sup> PC §14206(a)(2)	Within 10 Days EC 49068.6	30 Days PC 14250(c)(2)
16 to 17	Law Enforcement Discretion	Within 2 Hours PC 14205(b)	Within 24 Hours PC §14205(c)	Immediately <sup>3</sup> PC 14206(a)(2)	Within 24 hours submitted to DOJ <sup>2</sup> PC § 14206(a)(2)	Within 10 Days EC 49068.6	30 Days PC 14250(c)(2)
18 to 20	Law Enforcement Discretion	Within 2 Hours PC §14205(b)	Within 24 Hours PC §14205(c)	Within 40 days <sup>3</sup> PC § 14206(a)(1)	Within 45 days submitted to DOJ <sup>2</sup> PC §14206(a)(2)	NA	30 Days PC 14250(c)(2)
Age 21 and over	Law Enforcement Discretion	Without Unreasonable Delay	Within 24 Hours PC §14205(c)	Within 40 days <sup>3</sup> PC §14206(a)(1)	Within 45 days submitted to DOJ <sup>2</sup> PC §14206(a)(2)	NA	30 Days PC 14250(c)(2)

<sup>1</sup> Evidence that a person is at risk includes, but is not limited to, evidence or indications that the missing person is one of the following: (1) is a victim of a crime or foul play, (2) is in need of medical attention, (3) has no pattern of running away or disappearing, (4) may be the victim of a parental abduction, or (5) is mentally impaired, per PC §14213(b),

<sup>2</sup> The DOJ shall act as a repository for dental examination records of missing and unidentified person(s) and will compare the records for the purposes of identification, per California Health and Safety code 102870

<sup>3</sup> Immediately and then periodically throughout the course of the investigation

**Sexual Assault Survivors Bill  
of Rights Card Spanish.pdf**

## Tiene el derecho de saber...

### Puede:

- Tener a un asesor confidencial de agravios sexuales (defensor de víctimas) las 24 horas u otra(s) persona(s) de apoyo consigo durante cualquier examen o entrevista.
- Pedir una orden de la corte para protegerla.
  - » Si quiere protegerse de su atacante de inmediato, pídale a un agente del orden público una Orden de protección de emergencia.
  - » Puede obtener información sobre las Órdenes de protección civil aquí:  
[www.courts.ca.gov/1260.htm](http://www.courts.ca.gov/1260.htm).
- Preguntar sobre los resultados de los análisis y la evidencia del agravio.
- Pedirle al agente del orden público el número de caso y cómo averiguar lo que va a pasar a continuación.
- Si necesita ayuda para pagar los gastos relacionados con el agravio, infórmese y solicite ayuda en:  
[www.victims.ca.gov/victims/howtoapply.aspx](http://www.victims.ca.gov/victims/howtoapply.aspx)
- **Nota: Es posible que tenga que participar en el caso penal para recibir ayuda de CalVCB.**

Agencia: \_\_\_\_\_

Nombre del contacto: \_\_\_\_\_

Tel.: \_\_\_\_\_

Informe de la policía / Núm. de caso: \_\_\_\_\_

Notas: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VSU Rev



Spanish

## Declaración de derechos de las sobrevivientes de agravio sexual

Usted tiene derechos. Tiene el derecho a recibir respuestas, el derecho a recibir información y el derecho a saber. Esta tarjeta le explica sus derechos fundamentales, opciones y recursos útiles.

### Usted decide.

Tiene la opción de:

- hacerse un examen físico;
- participar en un caso penal; o
- denunciar el agravio.

Sin importar lo que decida, no perderá sus derechos.

### ? ¿Preguntas?

Hable con un profesional médico, agente del orden público o llame al centro de víctimas de violación de su zona.

## Tiene el derecho de saber...

### Puede:

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Notas: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VSU Rev



Spanish

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Hable con un profesional médico, agente del orden público o llame al centro de víctimas de violación de su zona.

### Tiene el derecho a recibir respuestas

- ¿Su evidencia fue analizada en los últimos 18 meses?
- ¿Se usó la evidencia para hacer un perfil de ADN de su atacante?
- ¿Se ingresó un perfil de ADN en la base de datos de la policía?
- ¿Encontraron un perfil que coincidía con el de su atacante?

### Tiene el derecho a recibir información, como:

- Una copia gratis de los informes penales. (Pídalos por escrito a su agencia del orden público local).
- La información del registro de infractor sexual de su atacante, si fue condenado.
- La evidencia del kit de violación. El kit de violación tiene que:
  - » Ser llevado al laboratorio y analizado dentro de 24 meses; y
  - » Guardarse por 20 años, o hasta que usted cumpla 40 años de edad, si era menor de 18 años de edad cuando se produjo el agravio.

### Datos:

- La evidencia de ADN en el cuerpo puede durar entre 12 horas y 7 días.
- El ADN y otro tipo de evidencia se puede descomponer si se expone al calor, agua u otros materiales.

### Tiene el derecho a recibir respuestas

- ¿Su evidencia fue analizada en los últimos 18 meses?
- ¿Se usó la evidencia para hacer un perfil de ADN de su atacante?
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### Datos:

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### Seguimiento de Evidencia Forense de Agravio Sexual (SAFE-T)

Para saber la ubicación general y el estado actual del kit de violación por los datos ingresados en la base de datos de SAFE-T, comuníquese con la Unidad de Servicios para Víctimas del Procurador General de California. O comuníquese con la agencia del orden público que se encargó de su caso.

### Recursos\*

#### Centro de Víctimas de Violación de su zona

Comuníquese con el Centro de Víctimas de Violación de su zona para obtener apoyo, defensa e información sobre sus servicios.

#### Junta de Compensación para Víctimas de California

(CalVCB) – Ayuda a reembolsar a víctimas por terapia de salud mental, pérdida de ingresos, limpieza de la escena del crimen, reubicación, facturas médicas y dentales, y otros gastos relacionados con el agravio.  
800-777-9229 • [www.victims.ca.gov](http://www.victims.ca.gov)

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**Coalición de California Contra el Asalto Sexual (CalCASA)** – Trabaja para terminar con la violencia sexual por medio de prevención, intervención, educación, investigación, defensa y políticas públicas. 916-446-2520 • [www.calcasa.org](http://www.calcasa.org)

#### Red Nacional de Violación, Abuso e Incesto (RAINN)

– La organización contra la violencia sexual más grande del país. 800-656-HOPE • [www.centers.rainn.org](http://www.centers.rainn.org)

#### Línea Nacional contra la Violencia Doméstica

– 800-799-7233 • [www.thehotline.org](http://www.thehotline.org)

#### Línea de Asistencia del Centro Nacional de Recursos para Trata y Tráfico de Personas

– Línea de asistencia las 24 hs.:  
888-373-7888 • [www.humantraffickinghotline.org](http://www.humantraffickinghotline.org)

#### Oficina del Procurador General de California - Unidad de Servicios para Víctimas

– Conecta a las víctimas con recursos locales de apoyo e información para víctimas. Brinda información y actualizaciones sobre el proceso de apelaciones. 877-433-9069 • [www.oag.ca.gov/victimsservices](http://www.oag.ca.gov/victimsservices)

#### Para obtener más información, póngase en contacto con:

[www.oag.ca.gov/sexual-violence](http://www.oag.ca.gov/sexual-violence)

\* La Oficina del Procurador General de CA no controla, apoya ni tiene responsabilidad por las organizaciones y agencias indicadas más arriba.

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## Temporary Custody Log Template.pdf





**AB 481 Inventory (4-4-2022).pdf**

# NEVADA COUNTY SHERIFF'S OFFICE



# AB 481 MILITARY EQUIPMENT INVENTORY

## **Mine Resistant Ambush Protected Vehicle (MRAP)**

**Capabilities:** Light tactical vehicles produced as part of the MRAP program that are designed specifically to withstand improvised explosive device (IED) attacks and ambushes.

The purpose of the MRAP armored vehicle is to provide ballistic protection to law enforcement and citizens from gunfire. The armored vehicle stops rifle rated rounds including .50 caliber which is commercially available and beyond the protection level of shield and personal body armor possessed by the department.

It can be utilized by trained personnel to rescue downed law enforcement and citizens. Protecting law enforcement allows them to contain the suspect and reduce the immediacy of the threat while communicating and de-escalating as required per the department's policies. Critical Incident Negotiations Team (CINT) members operate from inside the armored vehicles during search warrant and SWAT callouts where they communicate with the suspect and attempt to de-escalate.

**Cost:** \$0.00 (Valued at \$733,000)

**Anticipated yearly cost:** \$1,500

**Expected life span:** 25 years

**Inventory:** 1

**Quantity Sought:** 0

**Legal and procedural rules for use:** Class B license required to operate the vehicle. The vehicle is only intended to be used during SED approved missions or high-risk operations approved by a supervisor

**Training:** Training is conducted by qualified SED team members

## **Defense Technology - 37 MM Single Launcher**

**Capabilities:** The 37 mm single launcher is used by law enforcement to deploy less lethal direct impact rounds, Ariel Distraction Devices, CS Ariel Distraction Devices, and smoke rounds.

The 37mm single launcher is also used by law enforcement who have been trained in the deployment and use of chemical agents. This system allows us to deploy chemical agents into a structure, vehicle, or area occupied by a barricaded subject forcing them out to a custody team and limiting the likelihood of a force-on-force encounter between law enforcement and suspects in a confined area. Range of the launcher is approximately 75 yards.

**Cost:** \$350

**Anticipated yearly cost:** \$0

**Expected life span:** 30 Years

**Inventory:** 5

**Quantity Sought:** 0

**Legal and procedural rules for use:** Lexipol Policy 303

**Training:** To be conducted by a POST certified instructor

<b>Combined Systems LC5 Launching Cup</b>
<b>Capabilities:</b> These launching cups attach to 12 gauge less lethal shotguns and allow law enforcement to launch canisters of chemical agents or smoke. The use of canisters often minimizes damage to the structure when utilized for deploying chemical agents on a barricaded subject. It also limits the danger to law enforcement deploying gas because they need to deploy vastly fewer canister munitions compared to liquid ferret rounds. Fewer rounds entering the house is also safer for the barricaded suspect.
<b>Cost:</b> \$315
<b>Anticipated yearly cost:</b> 0
<b>Expected life span:</b> 15 Years
<b>Inventory:</b> 5
<b>Quantity Sought:</b> 5
<b>Legal and procedural rules for use:</b> Lexipol 303.
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Distraction Device - CONSUMABLE</b>
<b>Capabilities:</b> Used to temporarily disorient a subject's senses. They are designed to produce a bright flash of light and an intensely loud "bang" to distract a subject and create a tactical advantage to law enforcement making contact.  The flash temporarily activates all photoreceptor cells in the eye, blinding it for approximately five seconds. Afterward, effected subjects perceive an afterimage which impairs their vision. The volume of the detonation also causes temporary deafness in the subject and disturbs the fluid in the ear, causing a loss of balance.
<b>Expected life span:</b> 3 Years
<b>Cost to purchase:</b> \$36.75
<b>Anticipated yearly cost:</b> \$950
<b>Inventory:</b> 23
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol 404 and the SED operations manual
<b>Training:</b> To be conducted by a POST certified instructor

<b>Combined Tactical Systems Baffled CS smoke grenade (Model 5230B) - CONSUMABLE</b>
<b>Capabilities:</b> The Baffled CS Grenade is designed specifically for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. The grenade expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a suspect concealed in a residence. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.60 in. and holds approximately 2.7 oz. of active agent.
<b>Expected life span:</b> 5 years
<b>Cost to purchase:</b> \$45.20
<b>Anticipated yearly cost:</b> \$950
<b>Inventory:</b> 24
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol Policy 303
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology green smoke canister (Model 1065) - CONSUMABLE</b>
<b>Capabilities:</b> The Defense Technology green smoke grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 30-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movements or route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable colored smoke grenade is 6 inches tall by 2.35 inches in diameter and holds approximately 2.9 oz of active agent.
<b>Cost:</b> \$50.70
<b>Anticipated yearly cost:</b> \$250
<b>Expected life span:</b> 5 years
<b>Inventory:</b> 5
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol 404 and the SED operations manual
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Spede-Heat 37 mm long-range round, CS canister (Model 1072) - CONSUMABLE</b>
<b>Capabilities:</b> The Spede-Heat 37mm short range CS round incorporates an aluminum shell and utilizes black powder as the propellant. It is designed to deliver one dual-ported chemical canister from a 37mm launcher 75 yards to the targeted zone.
<b>Cost:</b> \$33.05
<b>Anticipated yearly cost:</b> \$140
<b>Expected life span:</b> 3 years
<b>Inventory:</b> 4
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol Policy 303
<b>Training:</b> To be conducted by a POST certified instructor

<b>Colt, M-16A2 Commando 11.5" rifle.</b>
<b>Capabilities:</b> These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It is a short-barreled rifle which allows SED to better control while inside of structures while still providing great accuracy
<b>Cost:</b> \$1,200.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 4
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 306
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour department rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>Colt, M-4 Carbine 16" rifle.</b>
<b>Capabilities:</b> These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It has a longer barrel than the Colt Commando rifle which allows for greater accuracy from a further distance. It is a preferable rifle platform for rural operations.
<b>Cost:</b> \$1,200.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 8
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 306
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour department rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>Heckler &amp; Koch UMP .40 caliber sub-machine gun</b>
<b>Capabilities:</b> These rifles fire the same munitions as our department issued handguns. It is a lightweight, compact rifle, specifically designed for close quarters.
<b>Cost:</b> \$2,000.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 3
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b>
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour department rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>40 MM Defense Technology 6-Shot Launcher (Model Penn Arms PGL-65)</b>
<b>Capabilities:</b> The 40mm 6-shot launcher is used by law enforcement to deploy Exact Impact 40 mm sponge rounds. The safe effective range for the launcher is 5-131 feet.
<b>Cost:</b> \$2250
<b>Anticipated yearly maintenance cost:</b> \$50
<b>Expected life span:</b> 15 years
<b>Inventory:</b> 1
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>40 MM LMT Tactical Single Launcher with expandable stock (Model 1425)</b>
<b>Capabilities:</b> Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single- and two-point sling attachment.
The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.
<b>Cost:</b> \$1,077.15
<b>Anticipated yearly maintenance cost:</b> \$50
<b>Expected life span:</b> 15 years
<b>Inventory:</b> 0
<b>Quantity Sought:</b> 1
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Exact Impact 40mm Standard Range Sponge Round (Model 6325) - CONSUMABLE</b>
<b>Capabilities:</b> This less lethal impact round is a 40mm sponge tipped round and is deployed from our multi-shot 40mm less lethal device with a range of 5-131 feet.
<b>Cost:</b> \$28.65
<b>Anticipated yearly maintenance cost:</b> \$600
<b>Expected life span:</b> 5 years from date of manufacture
<b>Inventory:</b> 96
<b>Quantity Sought:</b> 100
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>Recon Scout (Model XT)</b>
<b>Capabilities:</b> This is a remote-controlled device that can be placed into an area and driven on two wheels. The device has a forward-facing camera, which can be viewed live.
<b>Cost:</b> \$13,000 in 2011 (valued at \$5,000)
<b>Anticipated yearly maintenance cost:</b> \$100
<b>Expected life span:</b> 10 Years
<b>Inventory:</b> 1
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Typically utilized during exigent circumstances or through execution of a search warrant
<b>Training:</b> To be conducted by an SED member who is assigned to use the device. No specialized training is required.

**Freightliner (Colombia Series Chassis)**

**Capabilities:** "Command 1" significantly increases the overall effectiveness in command and control of any large-scale event requiring either single agency response, or multi-agency response, thereby increasing public safety.

This mobile command unit brings a complete command and control mobile unit to any major or complex incident that may occur in Nevada County. This gives us the ability to monitor and communicate via multiple radio frequencies and secure space to plan critical events.

**Cost:** \$416, 854.85

**Anticipated yearly cost:** \$5,000

**Expected life span:** 25 years

**Inventory:** 1

**Quantity Sought:** 0

**Legal and procedural rules for use:** Class B license required to operate the vehicle.

**Training:** Due to size and complexity of this unit, it requires a Class B or greater driver's license. Once a request is granted for utilization, a driver from a pre-designated pool of trained qualified drivers will deliver and setup all necessary equipment for use of this unit.

# NEVADA COUNTY SHERIFF'S OFFICE



# AB 481 MILITARY EQUIPMENT INVENTORY

## **Mine Resistant Ambush Protected Vehicle (MRAP)**

**Capabilities:** Light tactical vehicles produced as part of the MRAP program that are designed specifically to withstand improvised explosive device (IED) attacks and ambushes.

The purpose of the MRAP armored vehicle is to provide ballistic protection to law enforcement and citizens from gunfire. The armored vehicle stops rifle rated rounds including .50 caliber which is commercially available and beyond the protection level of shield and personal body armor possessed by the department.

It can be utilized by trained personnel to rescue downed law enforcement and citizens. Protecting law enforcement allows them to contain the suspect and reduce the immediacy of the threat while communicating and de-escalating as required per the department's policies. Critical Incident Negotiations Team (CINT) members operate from inside the armored vehicles during search warrant and SWAT callouts where they communicate with the suspect and attempt to de-escalate.

**Cost:** \$0.00 (Valued at \$733,000)

**Anticipated yearly cost:** \$1,500

**Expected life span:** 25 years

**Inventory:** 1

**Quantity Sought:** 0

**Legal and procedural rules for use:** Class B license required to operate the vehicle. The vehicle is only intended to be used during SED approved missions or high-risk operations approved by a supervisor

**Training:** Training is conducted by qualified SED team members

## **Defense Technology - 37 MM Single Launcher**

**Capabilities:** The 37 mm single launcher is used by law enforcement to deploy less lethal direct impact rounds, Ariel Distraction Devices, CS Ariel Distraction Devices, and smoke rounds.

The 37mm single launcher is also used by law enforcement who have been trained in the deployment and use of chemical agents. This system allows us to deploy chemical agents into a structure, vehicle, or area occupied by a barricaded subject forcing them out to a custody team and limiting the likelihood of a force-on-force encounter between law enforcement and suspects in a confined area. Range of the launcher is approximately 75 yards.

**Cost:** \$350

**Anticipated yearly cost:** \$0

**Expected life span:** 30 Years

**Inventory:** 5

**Quantity Sought:** 0

**Legal and procedural rules for use:** Lexipol Policy 303

**Training:** To be conducted by a POST certified instructor

<b>Combined Systems LC5 Launching Cup</b>
<b>Capabilities:</b> These launching cups attach to 12 gauge less lethal shotguns and allow law enforcement to launch canisters of chemical agents or smoke. The use of canisters often minimizes damage to the structure when utilized for deploying chemical agents on a barricaded subject. It also limits the danger to law enforcement deploying gas because they need to deploy vastly fewer canister munitions compared to liquid ferret rounds. Fewer rounds entering the house is also safer for the barricaded suspect.
<b>Cost:</b> \$315
<b>Anticipated yearly cost:</b> 0
<b>Expected life span:</b> 15 Years
<b>Inventory:</b> 5
<b>Quantity Sought:</b> 5
<b>Legal and procedural rules for use:</b> Lexipol 303.
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Distraction Device - CONSUMABLE</b>
<b>Capabilities:</b> Used to temporarily disorient a subject's senses. They are designed to produce a bright flash of light and an intensely loud "bang" to distract a subject and create a tactical advantage to law enforcement making contact.  The flash temporarily activates all photoreceptor cells in the eye, blinding it for approximately five seconds. Afterward, effected subjects perceive an afterimage which impairs their vision. The volume of the detonation also causes temporary deafness in the subject and disturbs the fluid in the ear, causing a loss of balance.
<b>Expected life span:</b> 3 Years
<b>Cost to purchase:</b> \$36.75
<b>Anticipated yearly cost:</b> \$950
<b>Inventory:</b> 23
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol 404 and the SED operations manual
<b>Training:</b> To be conducted by a POST certified instructor

<b>Combined Tactical Systems Baffled CS smoke grenade (Model 5230B) - CONSUMABLE</b>
<b>Capabilities:</b> The Baffled CS Grenade is designed specifically for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. The grenade expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a suspect concealed in a residence. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.60 in. and holds approximately 2.7 oz. of active agent.
<b>Expected life span:</b> 5 years
<b>Cost to purchase:</b> \$45.20
<b>Anticipated yearly cost:</b> \$950
<b>Inventory:</b> 24
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol Policy 303
<b>Training:</b> To be conducted by a POST certified instructor

<b><u>Defense Technology green smoke canister (Model 1065) - CONSUMABLE</u></b>
<b>Capabilities:</b> The Defense Technology green smoke grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 30-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movements or route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable colored smoke grenade is 6 inches tall by 2.35 inches in diameter and holds approximately 2.9 oz of active agent.
<b>Cost:</b> \$50.70
<b>Anticipated yearly cost:</b> \$250
<b>Expected life span:</b> 5 years
<b>Inventory:</b> 5
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol 404 and the SED operations manual
<b>Training:</b> To be conducted by a POST certified instructor

<b><u>Defense Technology Spede-Heat 37 mm long-range round, CS canister (Model 1072) - CONSUMABLE</u></b>
<b>Capabilities:</b> The Spede-Heat 37mm short range CS round incorporates an aluminum shell and utilizes black powder as the propellant. It is designed to deliver one dual-ported chemical canister from a 37mm launcher 75 yards to the targeted zone.
<b>Cost:</b> \$33.05
<b>Anticipated yearly cost:</b> \$140
<b>Expected life span:</b> 3 years
<b>Inventory:</b> 4
<b>Quantity Sought:</b> 30
<b>Legal and procedural rules for use:</b> Lexipol Policy 303
<b>Training:</b> To be conducted by a POST certified instructor

<b><u>Colt, M-16A2 Commando 11.5" rifle.</u></b>
<b>Capabilities:</b> These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It is a short-barreled rifle which allows SED to better control while inside of structures while still providing great accuracy
<b>Cost:</b> \$1,200.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 4
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 306
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour department rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>Colt, M-4 Carbine 16" rifle.</b>
<b>Capabilities:</b> These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It has a longer barrel than the Colt Commando rifle which allows for greater accuracy from a further distance. It is a preferable rifle platform for rural operations.
<b>Cost:</b> \$1,200.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 8
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 306
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour department rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>Heckler &amp; Koch UMP .40 caliber sub-machine gun</b>
<b>Capabilities:</b> These rifles fire the same munitions as our department issued handguns. It is a lightweight, compact rifle, specifically designed for close quarters.
<b>Cost:</b> \$2,000.00
<b>Anticipated yearly cost:</b> Dependent upon required maintenance which is based on parts malfunctions and replacements.
<b>Expected life span:</b> 5-7 years
<b>Inventory:</b> 3
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b>
<b>Training:</b> All SED operators that are assigned a Colt Commando rifle have already been through the POST approved 16-hour department rifle training which qualifies them to carry this rifle. In addition, every SED operator attends an 80-hour POST certified Basic SWAT school where this weapon platform is utilized by that individual operator exclusively. Every SED operator assigned this rifle platform qualifies with it quarterly.

<b>40 MM Defense Technology 6-Shot Launcher (Model Penn Arms PGL-65)</b>
<b>Capabilities:</b> The 40mm 6-shot launcher is used by law enforcement to deploy Exact Impact 40 mm sponge rounds. The safe effective range for the launcher is 5-131 feet.
<b>Cost:</b> \$2250
<b>Anticipated yearly maintenance cost:</b> \$50
<b>Expected life span:</b> 15 years
<b>Inventory:</b> 1
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>40 MM LMT Tactical Single Launcher with expandable stock (Model 1425)</b>
<b>Capabilities:</b> Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single- and two-point sling attachment.
The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.
<b>Cost:</b> \$1,077.15
<b>Anticipated yearly maintenance cost:</b> \$50
<b>Expected life span:</b> 15 years
<b>Inventory:</b> 0
<b>Quantity Sought:</b> 1
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>Defense Technology Exact Impact 40mm Standard Range Sponge Round (Model 6325) - CONSUMABLE</b>
<b>Capabilities:</b> This less lethal impact round is a 40mm sponge tipped round and is deployed from our multi-shot 40mm less lethal device with a range of 5-131 feet.
<b>Cost:</b> \$28.65
<b>Anticipated yearly maintenance cost:</b> \$600
<b>Expected life span:</b> 5 years from date of manufacture
<b>Inventory:</b> 96
<b>Quantity Sought:</b> 100
<b>Legal and procedural rules for use:</b> Lexipol Policy 507
<b>Training:</b> To be conducted by a POST certified instructor

<b>Recon Scout (Model XT)</b>
<b>Capabilities:</b> This is a remote-controlled device that can be placed into an area and driven on two wheels. The device has a forward-facing camera, which can be viewed live.
<b>Cost:</b> \$13,000 in 2011 (valued at \$5,000)
<b>Anticipated yearly maintenance cost:</b> \$100
<b>Expected life span:</b> 10 Years
<b>Inventory:</b> 1
<b>Quantity Sought:</b> 0
<b>Legal and procedural rules for use:</b> Typically utilized during exigent circumstances or through execution of a search warrant
<b>Training:</b> To be conducted by an SED member who is assigned to use the device. No specialized training is required.

**Freightliner (Colombia Series Chassis)**

**Capabilities:** "Command 1" significantly increases the overall effectiveness in command and control of any large-scale event requiring either single agency response, or multi-agency response, thereby increasing public safety.

This mobile command unit brings a complete command and control mobile unit to any major or complex incident that may occur in Nevada County. This gives us the ability to monitor and communicate via multiple radio frequencies and secure space to plan critical events.

**Cost:** \$416, 854.85

**Anticipated yearly cost:** \$5,000

**Expected life span:** 25 years

**Inventory:** 1

**Quantity Sought:** 0

**Legal and procedural rules for use:** Class B license required to operate the vehicle.

**Training:** Due to size and complexity of this unit, it requires a Class B or greater driver's license. Once a request is granted for utilization, a driver from a pre-designated pool of trained qualified drives will deliver and setup all necessary equipment for use of this unit.

**DOJ 8371 DATA COLLECTION WORKSHEET.pdf**

# ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC) DATA COLLECTION WORKSHEET

BCIA 8371 (rev. 11/06)

<b>ADMINIS- TRATION</b>	PREPARER'S NAME				TELEPHONE NUMBER								
	AGENCY				NCIC NUMBER			DATE					
<b>INCIDENT INFORMATION</b>	OCCURRENCE DATE			TIME		CRIME CASE NUMBER							
	TOTAL NUMBER OF INDIVIDUAL VICTIMS				TOTAL NUMBER OF PROPERTY VICTIMS								
	ARRC OFFENSE(S)												
		STATUTE (CODE SECTION)		LITERAL			LEVEL (M/F)		NUMBER OF VICTIMS/ PROPERTY				
	1.	_____		_____			_____		_____				
	2.	_____		_____			_____		_____				
3.	_____		_____			_____		_____					
4.	_____		_____			_____		_____					
5.	_____		_____			_____		_____					
6.	_____		_____			_____		_____					
7.	_____		_____			_____		_____					
8.	_____		_____			_____		_____					
LOCATION TYPE <i>(Check one)</i>													
<input type="checkbox"/> PUBLIC HEALTH FACILITY			<input type="checkbox"/> GOVERNMENT/PUBLIC BUILDING			<input type="checkbox"/> RELIGIOUS FACILITY							
<input type="checkbox"/> PRIVATE HEALTH FACILITY			<input type="checkbox"/> PARKING LOT/GARAGE			<input type="checkbox"/> SCHOOL/COLLEGE							
<input type="checkbox"/> COMMERCIAL/OFFICE BUILDING			<input type="checkbox"/> RESIDENCE/HOME/DRIVEWAY			<input type="checkbox"/> OTHER _____							
IF WEAPON INVOLVED, CHECK TYPE <i>(Up to 3)</i>													
<input type="checkbox"/> FIREARM (TYPE UNKNOWN)			<input type="checkbox"/> BLUNT OBJECT (CLUB, HAMMER, ETC.)			<input type="checkbox"/> DRUGS/NARCOTICS							
<input type="checkbox"/> HANDGUN			<input type="checkbox"/> MOTOR VEHICLE (WHEN USED AS A WEAPON)			<input type="checkbox"/> ASPHYXIATION (BY DROWNING, STRANGULATION, SUFFOCATION, GAS, ETC.)							
<input type="checkbox"/> RIFLE			<input type="checkbox"/> PERSONAL WEAPONS (I.E., HANDS, FISTS, FEET, ETC.)			<input type="checkbox"/> UNKNOWN							
<input type="checkbox"/> SHOTGUN			<input type="checkbox"/> POISON			<input type="checkbox"/> OTHER _____							
<input type="checkbox"/> OTHER FIREARM (MACHINE GUN, BAZOOKA, ETC.)			<input type="checkbox"/> EXPLOSIVES										
<input type="checkbox"/> KNIFE/CUTTING INSTRUMENT (AX, ICE PICK, SCREWDRIVER, SWITCHBLADE, ETC.)			<input type="checkbox"/> FIRE/INCENDIARY DEVICE										
<b>VICTIM INFORMATION</b>	<b>V1</b>	RACE*	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE*	VICTIM OF: <i>(Refer to Statute List Above)</i>							
	<b>V2</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6	<input type="checkbox"/> 7	<input type="checkbox"/> 8
	<b>V3</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6	<input type="checkbox"/> 7	<input type="checkbox"/> 8
	<b>V4</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6	<input type="checkbox"/> 7	<input type="checkbox"/> 8
	<b>V5</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6	<input type="checkbox"/> 7	<input type="checkbox"/> 8

\* See Legend on reverse

**Appendix 2-A**

<b>PROPERTY</b>	PROPERTY TYPE*	TYPE OF LOSS OR DAMAGE <input type="checkbox"/> NONE <input type="checkbox"/> BURNED <input type="checkbox"/> DESTROYED/DAMAGED/VANDALIZED <input type="checkbox"/> STOLEN		QUANTITY	VALUE
	PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE*				
	PROPERTY TYPE*	TYPE OF LOSS OR DAMAGE <input type="checkbox"/> NONE <input type="checkbox"/> BURNED <input type="checkbox"/> DESTROYED/DAMAGED/VANDALIZED <input type="checkbox"/> STOLEN		QUANTITY	VALUE
	PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE*				
<b>SUSPECT INFORMATION</b>	<b>S1</b>	RACE*	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	
	<b>S2</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	
	<b>S3</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	
	<b>S4</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	
	<b>S5</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	

**\*LEGEND**

**RACE/ETHNICITY CODES**

- |                     |                      |
|---------------------|----------------------|
| A – Other Asian     | L – Laotian          |
| B – Black           | O – Other            |
| C – Chinese         | P – Pacific Islander |
| D – Cambodian       | S – Samoan           |
| F – Filipino        | U – Hawaiian         |
| G – Guamanian       | V – Vietnamese       |
| H – Hispanic        | W – White            |
| I – American Indian | Z – Asian Indian     |
| J – Japanese        | X – Unknown          |
| K – Korean          |                      |

**VICTIM TYPE CODES**

- IC – Individual Client  
IE – Individual Employee  
IO – Individual Other

**PROPERTY TYPE CODES**

- B – Business  
G – Government  
H – Health Facility  
OE – Other Entity  
R – Religious Organization

**PROPERTY CATEGORY CODES**

- |  |  |
|--|--|
| 1 – Automobiles  | 9 – Radios/TVs/VCRs                        |
| 2 – Bicycles   | 10 – Structures–Single Occupancy Dwellings |
| 3 – Buses  | 11 – Structures–Other Dwellings            |
| 4 – Clothes/Furs   | 12 – Structures–Other Commercial/Business  |
| 5 – Computer Hardware/Software                                   | 13 – Structures–Public/Community           |
| 6 – Office-type Equipment  | 14 – Structures–Other                      |
| 7 – Other Motor Vehicles   | 15 – Other                                 |
| 8 – Personal Items Other Than Clothing (Purses/Handbags/Wallets) |  |

**ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)**

## Data Collection Worksheet (BCIA 8371) Instructions

**Requirement:**

The Data Collection Worksheet (BCIA 8371) should be completed and submitted only if there are ARRCs to report for your agency.

**NOTE:** It is the purpose of this legislation to collect data on **any** crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.

**Frequency:**

At the end of the month, enter the total number of ARRCs reported to your agency on the Summary Worksheet (BCIA 8370) and attach a completed Data Collection Worksheet (BCIA 8371) for each ARRC. If there are no ARRCs to report, submit only the Summary Worksheet (BCIA 8370).

Submit these forms by the 10<sup>th</sup> working day for the preceding month (for example, July data should be submitted by the 10<sup>th</sup> working day in August).

**Administration:****Preparer's Name**

Enter the name of the person who prepared the form and whom should be contacted regarding questions.

**Telephone Number**

Enter the area code and telephone number of the person to be contacted if questions arise.

**Agency**

Enter the name of your agency.

**NCIC Number**

Enter your agency's ORI/NCIC number. Agencies should abbreviate the nine-character NCIC code by using the fourth through seventh character of the NCIC code. For example, if your NCIC number is "CA0570100," report "5701" only.

**Date**

Enter the date prepared.

**Incident Information:****Occurrence Date**

Enter the month, day, and year of occurrence.

**Time**

If known, enter the time of occurrence in military 24-hour time.

**ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)**

Data Collection Worksheet (BCIA 8371) Instructions

**Crime Case Number**

Enter the number assigned by your agency used to identify each report uniquely, e.g., the Originating Agency Case Number.

**Total Number of Individual Victims**

Enter the total number of individual victims involved in the incident.

Example: The suspect assaulted an employee at a reproductive health services facility. The suspect also broke the window of the reproductive health services facility. Report “1” victim (the employee) in the “Total Number of Individual Victims” box.

**Total Number of Property Victims**

Enter the total number of property victims involved in the incident.

Example: Referring to the example above, report “1” property victim (the reproductive health services facility) in the “Total Number of Property Victims” box.

**Statute (Code Section)** *Attach additional sheets of paper if needed.*

Enter all ARRC offenses involved (up to 10) in the ARRC incident. If there are more than 10 ARRC offenses involved in an incident, enter the 10 most serious offenses. Record each statute code only once even though there may have been more than one victim per offense. Report the exact statute (Penal Code, Health and Safety Code, etc.), section number, and appropriate subsection.

**Literal**

Enter a short description of the statutory code section.

**Level**

Enter the level of the code section involved (“M” for misdemeanor or “F” for felony).

**Number of Victims/Property**

Enter the number of victims for each offense which were perpetrated against him/her during the incident.

Example: During a protest an unruly participant refuses requests to leave the grounds of a health facility. The participant also shoves two clients walking into a reproductive health services facility and then breaks a window of the building. The participant is arrested for 423.2 (A) PC, 423.2 (E) PC, and 602.1(A) PC. Enter 423.2 (A) PC, 423.2 (E) PC, and 602.1 (A) PC in the Statute Code Section fields.

ARRC Offense(s) Statute (Code Section)	Literal	Level (M/F)	Number of Victims/Prop
1. 423.2 (A) PC	violence/etc: reproductive health client	M	2
2. 423.2 (E) PC	intentionally damage property:repro health svcs	M	1
3. 602.1 (A) PC	trespass:obstruct/etc. business operations/etc.	M	1

**ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)**

## Data Collection Worksheet (BCIA 8371) Instructions

**Location Type**

Select a location type to show where the ARRC offense took place. If the location does not fit into one of the categories listed, select "other" and enter the location.

**If Weapon Involved**

Choose up to three types of weapons/force used by the suspect. If the weapon does not fit into one of the categories listed, select "other" and enter the weapon.

**Victim Information:** *Attach additional sheets of paper if needed.*

**Race**

Enter the victim's race using the race/ethnicity codes provided in the legend.

**Sex**

Enter the victim's sex.

**Date of Birth**

Enter the victim's date of birth (mm/dd/yyyy).

**Victim Type**

Enter the appropriate victim type code:

IC=Individual Client (reproductive health services client)

IE=Individual Employee (reproductive health services employee)

IO=Individual Other (individual not fitting the above specifically listed individuals)

**Victim Of**

For each victim, select the boxes of the offenses (numbered in the statute code section) which were perpetrated against him/her during the incident.

**Property:** *Attach additional sheets of paper if needed.*

**Property Type**

Enter the appropriate property type code:

B Business

G Government

H Health Facility (includes hospital, physician's office, abortion clinic, family planning clinic, etc.)

OE Other Entity (represents acts directed at entities which do not fit in any of the other categories)

R Religious Organization (or building associated with a specific religious group)

**Type of Loss or Damage**

Select the type of loss or damage to the property. For each type of loss or damage, up to ten property descriptions or property categories (see legend) can be reported.

**ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)**  
Data Collection Worksheet (BCIA 8371) Instructions

**Quantity**

Report how many properties were burned, stolen, destroyed, etc., as a result of the incident.

**Value**

Report the dollar value of the property which was burned, stolen, destroyed, etc., as a result of the incident. Up to ten values can be entered to match the up to ten property descriptions. If more than ten types of property are involved, the values of the nine most valuable properties are to be reported; then, the total value of the remaining properties which were coded "other" are to be combined and reported as one total.

**Property Description or Property Category Code**

For each type of property loss, up to ten property descriptions or property category codes (see legend) can be reported. If more than ten types of property are involved, the nine most valuable specifically listed types of property are to be reported and the remaining types of property are to be combined and reported as "other."

**Suspect Information:** *Attach additional sheets of paper if needed.*

**Race**

Enter the suspect's race using the race/ethnicity codes given in the legend. If the suspect information is unknown, enter "X" (unknown).

**Sex**

Enter the suspect's sex. If the suspect information is unknown, select "unknown."

**Date of Birth or Age**

Enter the suspect's date of birth or approximate age. If unknown, leave blank.

## **Senior and Disability Victimization Guide.pdf**



## Senior and Disability Victimization Guide

**\*\*Note\*\* Nothing in the guide is intended to negate or alter the Lexipol Policy on Senior and Disability Victimization**

### Name(s) of victims and date(s) of birth:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

### Name(s) of Caregiver(s) or suspects:

Name: \_\_\_\_\_ Relationship to Victim: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to Victim: \_\_\_\_\_

### Identify circumstances leading to referral:

- Physical: Hitting, kicking, burning, dragging, over or under medicating
- Sexual Abuse: Unwanted sexual contact, sexual exploitation, forced viewing of pornography
- Abandonment: Desertion or willful forsaking by anyone having responsibility for care
- Isolation: Preventing the individual from receiving mail, telephone calls, visitors
- Financial: Theft, misuse of funds or property, extortion, duress, fraud
- Neglect: Failure to provide food, clothing, shelter, or health care for an individual under one's care -when the means to do so are available
- Self-Neglect: Failure to provide food, clothing, shelter, or health care for oneself
- Mental Suffering: Verbal assaults, threats, causing fear

### Note Signs of abuse/neglect:

Welts, bruises, and cuts, dental issues, head injuries, bedsores, consistent physical pain and discomfort, Nutrition and hydration concerns, sleep disruptions, worsening of preexisting health conditions, high levels of distress and anxiety, withdrawal or increasing depression, a dramatic change in sleeping or eating habits, confusion or contradictory statements, a feeling of helplessness or hopelessness, signs of post-traumatic stress disorder (PTSD)

### Complete on-site investigation/evidence collection:

For general neglect/abandonment, consider photographs of the victim, document physical condition of victim, document and photograph inside and outside of residence, living conditions, cleanliness of home, functioning utilities and available food, medical records, treating physician(s), nursing facilities, pharmacy, dentist(s), prescriptions, lab reports, nurse's notes,

For financial abuse, consider handwriting analysts, forensic accountants, geriatric psychologists and psychiatrist's testimony, background evidence, suspect's living area, victim's living area, credit reports, victim's bank records, powers of attorney, wills and trusts, guardianship/conservatorship documents

For sexual abuse, consider photograph victim, document physical condition of victim, clothing and bedding area DNA evidence, SART exam.

### Conduct forensic interview with the victim:

Consider victim testimony or deposition, videotape the victim at the early stage of the investigation, including the following: Orientation (how does the victim perceive time and place), victim testifying to consent, victim naming identity of suspect, victim signing his/her name in video to compare to signature on questioned documents (financial abuse), Impact of crime (video record a walk-through of neglect or abuse crime scene, if possible) Legal Records All law enforcement contacts with involved parties and witnesses, suspect's living area, victim's living area, credit reports, victim's bank records, powers of attorney, wills and trusts, guardianship/conservatorship documents

### Contact Adult Protection Services (APS):

Contact APS and advise of the report and provide State Form SCO 341 form. Seek medical attention if needed.

**DOJ 8370 MONTHLY COLLECTION WORKSHEET.pdf**

**MONTHLY REPORT OF ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)**

**SUMMARY WORKSHEET**

BCIA 8370 (rev. 11/06)

AGENCY	
NCIC NUMBER	REPORTING MONTH/YEAR
<input type="checkbox"/> THERE WERE _____ ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH (Attach Data Collection Worksheets) <input type="checkbox"/> THERE WERE <b>NO</b> ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH	
PREPARER'S NAME	TELEPHONE NUMBER
SUBMIT THIS SUMMARY SHEET WITH THE ARRC DATA COLLECTION WORKSHEET(S), IF ANY, TO:  <div style="text-align: center;">           State of California            Department of Justice  <b>CRIMINAL JUSTICE STATISTICS CENTER</b>            P.O. Box 903427            Sacramento, CA 94203-4270   <b>ATTN: Anti-Reproductive-Rights Crimes</b> </div>	

**Purpose:**

It is the intent of the Department of Justice to:

- Collect data on all crimes relating to violations of the Reproductive Rights Law Enforcement Act.
- Collect data on the threatened commission of anti-reproductive-rights crimes and persons suspected of committing these crimes or making these threats.
- Distinguish between crimes of violence and non-violence.

**INSTRUCTIONS FOR COMPLETION:**

**SUBMIT ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC) AS DEFINED IN PENAL CODE SECTION 13776 (A). SEE REVERSE SIDE OF THIS FORM FOR PENAL CODE STATUTES TO BE USED WHEN COMPLETING THIS FORM.**

***NOTE:** It is the purpose of this legislation to collect data on any crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.*

**Requirement:**

This form should be submitted monthly whether or not an ARRC occurred.

**Frequency:**

Submit monthly, by the 10th working day for the preceding month (for example, July data should be submitted by the 10th working day in August).

**Reporting # of ARRCs:**

If there are ARRCs to be reported by your agency, check the first box and enter the total number of ARRCs for the reporting month. Attach Data Collection Worksheets for each ARRC reported.

If there were no ARRCs to report, check the second box and submit the Summary Worksheet only.

## Appendix 2-C

The following Penal Code Sections are to be used when completing this form and the Data Collection Worksheet (BCIA 8371):

### Section 423.1 PC (Definitions)

The following definitions apply for the purposes of this title:

- (a) "Crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.
- (b) "Interfere with" means to restrict a person's freedom of movement.
- (c) "Intimidate" means to place a person in reasonable apprehension of bodily harm to herself or himself or to another.
- (d) "Nonviolent" means conduct that would not constitute a crime of violence.
- (e) "Physical obstruction" means rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.
- (f) "Reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
- (g) "Reproductive health services client, provider, or assistant" means a person or entity that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide any services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.
- (h) "Reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.

### Section 423.2 PC (Elements of Offense)

Every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Section 423.3.

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant....

(c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant....

(e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility....

### Section 13776 PC (Definitions)

(a) "Anti-reproductive rights crime" means a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. "Anti-reproductive rights crime" includes, but is not limited to, a violation of subsection (a) or (c) of Section 423.2.

## **Sexual Assault Survivors Bill of Rights Card.pdf**

## You Have a Right to Know...

### You can:

- Have a 24-hour confidential sexual assault counselor (victim advocate) or other support person(s) with you during any exam or interview.
- Ask for a Court Order to protect you.
  - » For protection from the attacker right away, ask a law enforcement officer for an Emergency Protective Order.
  - » Learn about Civil Protection Orders here: [www.courts.ca.gov/1260.htm](http://www.courts.ca.gov/1260.htm).
- Ask about test results and evidence from the assault.
- Ask the officer for a case number and how to find out what happens next.
- If you need help to pay for your costs related to the assault, learn more and apply at: [www.victims.ca.gov/victims/howtoapply.aspx](http://www.victims.ca.gov/victims/howtoapply.aspx)
- **Note: You may have to take part in the criminal case to qualify for CalVCB.**

Agency: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Police Report / Case No.: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VSU Rev



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Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Police Report / Case No.: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VSU Rev



# Sexual Assault Survivor's Bill of Rights

You have rights. You have the right to get answers, the right to information, and a right to know. This card explains key rights, options, and helpful resources.

## You Decide

It's your choice to:

- Get a physical exam,
- Be part of a criminal case, or
- Report the assault.

No matter what you choose, you keep your rights.

## ? Questions?

Ask a health care provider, law enforcement officer, or contact your local rape crisis center.

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## You Have a Right to Get Answers

- Was your evidence analyzed within 18 months?
- Was the evidence used to make a DNA profile of your attacker?
- Was a DNA profile entered into the law enforcement database? Did they find matches to the profiles?

## You Have a Right to Information, Including:

- A free copy of the crime reports. (Ask in writing to your local law enforcement agency.)
- The attacker's sex offender registry information, if convicted.
- Evidence from the rape kit. The rape kit must be:
  - » Taken to the lab and analyzed within 24 months, and
  - » Kept for 20 years, or until you turn 40, if you were under 18 when the assault happened.

## Facts:

- DNA evidence on the body can last from 12 hours up to 7 days.
- DNA and other kinds of evidence may break down if exposed to heat, water, or other materials.

## You Have a Right to Get Answers

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## Facts:

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- DNA and other kinds of evidence may break down if exposed to heat, water, or other materials.

### Sexual Assault Forensic Evidence Tracking (SAFE-T)

Contact the California Attorney General's Victims' Services Unit for a general location and status of rape kit based on data entered into the SAFE-T database. Or contact the local law enforcement agency that handled your case.

### Resources\*

#### Local Rape Crisis Center

Contact your local rape crisis center for support, advocacy, and information about their services.

#### California Victim Compensation Board (CalVCB) –

Helps reimburse victims for mental health counseling, loss of income, crime scene cleanup, relocation, medical and dental bills, and other costs related to the assault.  
800-777-9229 • [www.victims.ca.gov](http://www.victims.ca.gov)

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**California Coalition Against Sexual Assault (CalCASA) –** Working to end sexual violence through prevention, intervention, education, research, advocacy and public policy. 916-446-2520 • [www.calcasa.org](http://www.calcasa.org)

**Rape, Abuse & Incest National Network (RAINN) –** The nation's largest anti-sexual violence organization. 800-656-HOPE • [www.centers.rainn.org](http://www.centers.rainn.org)

**National Domestic Violence Hotline –** 800-799-7233 • [www.thehotline.org](http://www.thehotline.org)

**National Human Trafficking Resource Center Hotline –** 24-Hour Hotline: 888-373-7888 • [www.humantraffickinghotline.org](http://www.humantraffickinghotline.org)

**California Attorney General's Office - Victims' Services Unit –** Connects victims to local victim support and information resources. Provides information and updates on the appeals process. 877-433-9069 • [www.oag.ca.gov/victimservices](http://www.oag.ca.gov/victimservices)

**For more information, contact:**  
[www.oag.ca.gov/sexual-violence](http://www.oag.ca.gov/sexual-violence)

\* The CA Attorney General's Office does not control, support, or have responsibility for the organizations and agencies listed above.

**California Coalition Against Sexual Assault (CalCASA) –** Working to end sexual violence through prevention, intervention, education, research, advocacy and public policy. 916-446-2520 • [www.calcasa.org](http://www.calcasa.org)

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## **DV Lethality Risk Assessment.pdf**

**DOMESTIC VIOLENCE LETHALITY RISK  
ASSESSMENT FOR FIRST RESPONDERS**

1. OFFICER	2. DATE	3. CASE#	4. ARRESTED <input type="checkbox"/> YES <input type="checkbox"/> NO
VICTIM INFORMATION		ABUSER INFORMATION	
5. VICTIM NAME	9. ABUSER NAME		
6. DOB	10. DOB		
7. ADDRESS	11. ADDRESS		
8. PHONE (     )     -	12. PHONE (     )     -		

**To the first responders:** The Lethality Assessment should be administered to all victims of domestic violence to assess the level of danger and/or the severity of the situation. Law enforcement personnel or victim advocates should use their judgement to interpret the information which the victim provides. More “yes” answers to the Lethality Assessment questions indicate that the victim is more likely to experience continued violence, be severely injured, and/or killed. It is important to use the results of this assessment in a constructive way to help the victim plan for her/his safety and to make referrals to resources matching to the specific circumstances of the victim’s situation. We recommend this completed assessment be attached to the incident or crime report.

**To be read to the victim of domestic violence:** “Domestic violence (DV) has many forms including physical, sexual, emotional and psychological abuse, stalking, and financial abuse. DV can be inflicted by a current or former partner. We are concerned about you because DV can affect your and your loved ones’ (including your children) immediate safety, as well as short and long term physical and mental health. Furthermore, several risk factors have been associated with serious injury and homicide. We would like to ask you some questions about your current risks and history of abuse with the person who has abused you today. The goal of this assessment is to help us learn more about your current risk of future serious harm by your abuser.”

**Check here if the victim refused to participate in the assessment.**

1. Has the abuser ever been arrested or convicted of domestic violence, hostage taking, stalking or abduction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
2. Does the abuser have a history of domestic violence, hostage-taking, stalking, or abduction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
3. Do you know whether the abuser has any violent history towards others?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
4. Has the abuser expressed thoughts or threats to harm or kill you, children, a loved one (family, friend, new partner, etc), or himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
5. Does the abuser have access to firearms or ever used or threatened to use a firearm against you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
6. Has the abuser ever threatened to use or used another weapon or object to harm you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
7. Does the abuser have a criminal history of the use of weapons (guns, knives, etc.)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
8. Has the abuser ever used his/her hands or an object to choke, strangle, or suffocate you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
9. Does the abuser have a history of arson or threats of arson?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
10. Does the abuser express jealousy or ownership over you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered

**DOMESTIC VIOLENCE LETHALITY RISK  
ASSESSMENT FOR FIRST RESPONDERS**

Page 2 of 2

11. Does the abuser accuse you of infidelity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
12. Does the abuser monitor or control your activities, where you go, who you interact with, or what you do? (“If I can’t have you no one else can,” “Death before divorce,” etc.)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
13. Does the abuser isolate you from family, friends and community life?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
14. Is the abuser severely depressed, (seeing little hope to live life)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
15. Is the abuser unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
16. Has there been a recent escalation of the abuser’s violence or risk behavior?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
17. Does the use of alcohol or drugs by the abuser exacerbate the violence or abuse?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
18. Has the abuser ever threatened or tried to commit suicide?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
19. Has the abuser been violent outside the home or in a public place?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
After advising the victim of the “high danger” assessment, was the victim offered assistance, referred to a victim advocate, or other resources (i.e. alternative shelter)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

**Note:** *The questions above and the criteria for determining the level of risk a victim faces are based on the best available factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence the risk for lethal violence that are not captured by this assessment. Most domestic violence victims who are assessed as being involved in a “high danger” situation would not be expected to be killed. However, these victims face a much higher risk than that of other victims of intimate partner domestic violence.*

# Nevada County Sheriff's Office Policy Manual

## Policy Manual

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