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Kern County

SHERIFF

ISSUE: 21-01

TRAINING BULLETIN

DATE: January 6, 2021

Annual Pursuit Training PC 13519.8 Compliance

To comply with PC 13519.8, **all** sworn personnel, excluding Detention Deputy Classifications, who are authorized to operate a Code 3 (marked/unmarked) equipped vehicle, must have mandatory pursuit training on an annual basis. To maintain compliance with this state statute the Training Section has developed a PowerPoint presentation and driving test on SheriffNet. The reading of the PowerPoint, which includes pursuit training, and the taking of the driving test will satisfy the annual pursuit training requirement of PC 13519.8. The review of the PowerPoint and taking of the test will have to be completed on an annual basis at the beginning of each year. Supervisors will assure their personnel complete the training and driving test each year. The Training Section will distribute the PowerPoint and test annually.

Per PC 13519.8(c)(1); all law enforcement officers who have received their basic training before January 1, 1995 shall participate in supplementary training on high speed vehicle pursuits, as prescribed and certified by the commission. The PowerPoint presentation and driving test on SheriffNet will also satisfy the statute requirement for personnel who fall under this category.

It is important that supervisors assure their personnel complete this training. Sworn personnel who must complete this mandatory training will need to complete the reading of the PowerPoint and taking of the test by Friday, January 29, 2021. Sworn personnel must get all 10 test questions correct to pass the test. Supervisors can click the following link to assure their personnel completed the annual pursuit training.

Please use this link to complete the training and take the test:

<http://sharepoint/ASB/PersonnelDivision/Training/SitePages/DrivingTest.aspx>

Supervisors (with a rank of Sergeant and above) may use this link to review the test results:

http://sharepoint/ASB/PersonnelDivision/Training/Lists/DrivingTest_2017/2021DrivingTest.aspx

Please read attached policies E-0100 Emergency Driving and E-0200 Vehicle Policies-Pursuits before beginning the training.



Kern County Sheriff's Office
Policies and Procedures

TITLE: Emergency Driving		NO: E-100	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: February 12, 2005	REVIEWED: 5/15/2020	REVISED: 10/01/2008	UPDATED: 5/15/2020

REFERENCE:

CVC 21052: Vehicle Code provisions apply to all operators of all vehicles.ⁱ

CVC 21055: Authorized Emergency vehicles are exempt from the rules of the road when responding to fire, emergency, rescue, or pursuit, and the operator displays a solid forward facing red lamp and activates a siren as necessary.ⁱⁱ

CVC 21056: Emergency vehicle operators must show due regard for the safety of all persons using the highway.ⁱⁱⁱ

CVC 21806: Pedestrians, other vehicle operators to yield to emergency vehicle by moving to the right.^{iv}

POLICY:

The fundamental purpose of Code 3 operations is to enable peace officers to arrive quickly and safely at a scene of an emergency. It shall be the policy of the Sheriff's Office that Code 3 operations (red light and siren) be strictly limited to emergency situations and pursuits. The safety of the deputy and the public must be the primary concern when driving under emergency conditions. The purpose of this policy is to establish guidelines that will enable deputies to arrive at the scene of an emergency in a manner consistent with the safety and well being of all parties involved. The final responsibility for the safe operation of the vehicle will rest with the deputy operating the vehicle.

Generally, no operator of a Sheriff's Office vehicle shall violate any traffic law except:

- When done in a safe manner; and
- During Code 3 operations or;
- While practicing generally approved patrol procedures including but not limited to;
 - o Approaching a prowler call with lights out;
 - o Driving on the wrong side of a roadway to safely approach a robbery in progress, etc.
 - o Pacing a vehicle to establish speed or overtaking a vehicle to initiate a stop.

- ◆ “Closing the distance” means maneuvering an emergency vehicle into closer proximity of a violator or suspected violator vehicle for law enforcement purposes. “Closing the distance” has a number of valid law enforcement purposes, and is an appropriate tactic to reduce the possibility that an attempt to stop will escalate into a pursuit. However, when traffic conditions or offender vehicle speeds create safety concerns, emergency lights and siren should be used pursuant to CVC 21055.

Along with the tactical considerations the officer must consider his/her safety and the safety of others.

Deputies are never excused from exercising due care for the safety of others or themselves. Deputies shall not drive a vehicle at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of the highway, and in no event at a speed that endangers the safety of persons or property. (CVC 22350)

- The purpose of the red light and siren is to warn other motorists and pedestrians, and to minimize traffic delay.
- Deputies should consider the light and siren a request for right-of-way and should exercise the utmost caution and care during their driving.
 - Speeds above posted speed limits are rarely necessary or justified.
- Deputies should endeavor to use the lane closest to the center of the roadway wherever possible to provide maximum visibility for themselves and for other drivers.
- Deputies should periodically vary the siren tone from wail to yelp to improve siren audibility for other motorists and pedestrians. This is particularly true at intersections.
 - The “Wail” and “Yelp” modes are the only authorized sirens.
- When entering intersections against a traffic control device, or when crossing blind intersections, deputies shall slow their vehicles to a point that they will be able to safely stop for any cross traffic that fails to yield the right-of-way. Deputies shall only continue through the intersection after clearing each lane individually.
- Deputies should remain aware that another driver might not be able to hear the siren until the emergency vehicle is in close proximity. Deputies should give other motorists adequate time to hear the siren and to yield the right-of-way.
- Deputies should avoid passing to the right of other motor vehicles, except as a last resort and where it is done in a safe manner.
 - Deputies passing other vehicles on the right should proceed slowly and with extreme caution, making sure to watch other drivers and be prepared to avoid a driver pulling to the right.

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- o Deputies passing on the right should consider turning off lights and siren to avoid confusing other motorists, then proceed slowly and follow the rules of the road.
- Deputies should maintain an appropriate space cushion (3 to 5 seconds) between their vehicle and other vehicles to allow room for evasive maneuvers in the event of an unexpected act on the part of another motorist.
- Deputies operating unmarked vehicles should be aware of the reduced identifiability of their vehicle and be prepared for other motorists to fail to yield right-of-way.

DEFINITIONS:

Code 3 operation: Means a deputy sheriff operating an authorized emergency vehicle sounds a siren as may be reasonably necessary and the vehicle displays a steadily lighted red lamp visible from the front as a warning to other drivers and pedestrians, and the deputy is responding to an emergency call or engaged in rescue operations or is in the immediate pursuit of an actual or suspected violator of the law.

Use of lights and/or siren to effect or facilitate a vehicle or pedestrian stop, or as a traffic warning device, does not constitute a Code 3 operation within the meaning of this policy.

Emergency: A situation where there exists a reasonable likelihood of death or serious bodily injury to humans and which requires immediate law enforcement/public safety intervention. The test is not whether an emergency actually exists, but whether the deputy has a reasonably justified belief that an emergency exists.

- An emergency may include, but is not limited to any of the following conditions:
 - o A serious public hazard;
 - o A crime of violence in progress;
 - o The prevention of a crime of violence;
 - o An officer needing immediate assistance;
 - o A medical emergency;
 - o A fire;
 - o A rescue emergency;
 - o A pursuit as described in section E-200 of this manual.

Generally, misdemeanors do not meet the criteria for an emergency response.

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PROCEDURE:

A deputy may initiate a Code 3 response:

- When the information directly provided to the deputy via radio dispatch provides a reasonable basis for the belief that an emergency exists within the meaning of this policy;
 - Only deputies directly dispatched to the emergency are authorized to respond Code 3 to the emergency.
 - ◆ Deputies who are in closer proximity to an emergency than a dispatched deputy will notify the dispatcher prior to initiating a Code 3 response.
 - ◆ The dispatcher may elect to cancel one or more of the responding units and opt for the closest units.
- When the deputy receives information from any other source and the information is sufficient to justify the reasonable belief that an emergency exists within the meaning of this policy. This may include prior knowledge of circumstances related to the specific emergency, or a reasonable belief that the situation will require more resources than have been allocated to the situation.
 - When the deputy receives such information from a source other than radio dispatch, the deputy will, as soon as practical, advise the dispatcher of the source and nature of the information.
 - Generally, two (2) units respond.
- When an emergency situation dictates the immediate need for multiple units at the scene, such as an officer needing immediate assistance, a physical struggle, a situation involving weapons, or other reasonably similar circumstance. Only those units with a reasonable response time are authorized an immediate response.
- When in pursuit pursuant to section E-200 of this manual.

A command officer or supervisor may initiate a Code 3 response when he or she has reason to believe he or she is responding to an emergency as defined in this chapter.

A deputy will discontinue a Code 3 response when:

- He/She becomes aware of information which would reasonably justify the belief that the emergency no longer exists; or
- When the dispatcher has pre-empted the response by sending a closer deputy; or
- When ordered to do so by a ranking officer.

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The Dispatcher upon dispatching/or learning of a Code 3 response, will:

- Immediately notify the Field Supervisor
- Quickly brief the Communications O.I.C. of the situation

The Field Supervisor and/or Watch Commander, upon learning of a Code 3 Response, will:

- Quickly obtain as much information on the circumstance as possible;
- Determine if Code 3 is justified;
 - Order Code 3 terminated, or
 - Allow the Code 3 to continue
 - Determine how many units will operate under Code 3 conditions

Field Supervisors and/or Watch Commanders will monitor radio traffic and ensure that deputies are acting within the intent of this policy.

ⁱ VC§ 21052. Public Officers and Employees

The provisions of this code applicable to the drivers of vehicles upon the highways apply to the drivers of all vehicles while engaged in the course of employment by this State, any political subdivision thereof, any municipal corporation, or any district, including authorized emergency vehicles subject to those exemptions granted such authorized emergency vehicles in this code.

(Enacted by Stats. 1959, Ch. 3.)

ⁱⁱ VC§ 21055. Exemption of Authorized Emergency Vehicles

The driver of an authorized emergency vehicle is exempt from Chapter 2 (commencing with Section 21350), Chapter 3 (commencing with Section 21650), Chapter 4 (commencing with Section 21800), Chapter 5 (commencing with Section 21950), Chapter 6 (commencing with Section 22100), Chapter 7 (commencing with Section 22348), Chapter 8 (commencing with Section 22450), Chapter 9 (commencing with Section 22500), and Chapter 10 (commencing with Section 22650) of this division, and Article 3 (commencing with Section 38305) and Article 4 (commencing with Section 38312) of Chapter 5 of Division 16.5, under all of the following conditions:

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(a) If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire Sheriff's Office vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.

(b) If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

A siren shall not be sounded by an authorized emergency vehicle except when required under this section.

(Amended by Stats. 1977, Ch. 1017.)

iii VC§ 21056. Effect of Exemption

Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section.

(Enacted by Stats. 1959, Ch. 3.)

iv VC§ 21806. Authorized Emergency Vehicles

Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle, the surrounding traffic shall, except as otherwise directed by a traffic officer, do the following:

(a) (1) Except as required under paragraph (2), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed.

(2) A person driving a vehicle in an exclusive or preferential use lane shall exit that lane immediately upon determining that the exit can be accomplished with reasonable safety.

(b) The operator of every street car shall immediately stop the street car, clear of any intersection, and remain stopped until the authorized emergency vehicle has passed.

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(c) All pedestrians upon the highway shall proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle has passed.

(Amended by Stats. 1996, Ch. 1154, Sec. 68. Effective September 30, 1996.)

E-100-7

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Kern County Sheriff's Office Policies and Procedures

TITLE: VEHICLE POLICIES - PURSUITS			NO: E-0200
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 5/15/2020	REVISED: 8/4/2010	UPDATED: 5/15/2020

PURPOSE

This policy is intended to establish procedures for vehicle pursuits that are consistent with California law and consider the safety of all persons.

APPLICABILITY

When used in this policy, the term officer or deputy refers to deputy sheriffs only. Only Directive A of this policy refers to detentions deputies.

POLICY

It shall be the policy of the Sheriff's Office that officers engaged in vehicular pursuits of actual or suspected law violators proceed in a manner consistent with the safety and well being of all persons. When circumstances are such that the life or safety of any person is unreasonably endangered because of a pursuit, such pursuit shall be terminated in all but the gravest of circumstances.

Vehicle Code Section 21055 authorizes an operator of an emergency vehicle to violate the rules of the road when in pursuit of an actual or suspected violator of the law if the driver of the emergency vehicle sounds a siren, as may be reasonably necessary, and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. Vehicle Code Section 21056 requires the officer to drive with *due regard* for the safety of all persons using the highway, and does not exempt the driver from the consequences of an arbitrary exercise of the privileges granted in section 21055.

Pursuits are highly volatile situations that demand officers be alert to rapidly changing conditions. When the driver of a pursued vehicle clearly exhibits the intention of avoiding detention or arrest, or when a suspected violator refuses to stop, the officer must make some judgments. The officer assuming control of the pursuit can satisfactorily exercise discretion only after minimally considering the following before and during a pursuit:

- Does the seriousness of the offense warrant a chase at high speeds considering the risks to the officer, innocent motorists, and others?
- Does the apparent need for immediate capture warrant the risks to peace officers, innocent motorists, and others in order to protect the public?
- What is the possibility of apprehension?

- Will the pursuit take place on a residential street, a business district, or on a freeway?
- What are the vehicular and pedestrian traffic conditions and volume?
- What are the weather conditions?
- Is air support available to assist?
- Is the officer familiar with all of the areas that may become involved?

DEFINITIONS

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

PURSUIT INTERVENTION TECHNIQUE (PIT) is defined as the deliberate act of impacting a violator's vehicle with a law enforcement vehicle to force the violator's vehicle to stop.

PROCEDURE A: INITIATING A PURSUIT

An officer initiating a pursuit will:

- Activate red lights at the time it becomes necessary to violate the rules of the road;
- Advise the dispatcher of pursuit, giving:
 - Reason for pursuit;
 - Description of the vehicle and occupants;
 - Location, direction of traffic, approximate speed.
- Operate the siren when reasonable or necessary considering existing conditions:
 - Fluctuate the tone of the siren, especially through intersections, making it easier for motorists to hear the siren.
- Drive near the center of the street so approaching vehicles can see red lights;
- Do not attempt to pass on the right side (CVC 21806);
- Give motorists and pedestrians an opportunity to yield the right of way;
- Assume control of the pursuit following the directives in this policy;
- Drive at speeds safe under the totality of the circumstances and consistent with policy and law considering public safety, peace officer safety, and the fleeing occupant's safety.
- Attempt to apprehend suspect(s) at the successful termination of pursuit.

An officer acting as a secondary unit in a pursuit will:

- Activate red lights and siren;
- Activate siren only as necessary;
- Follow directions given by the primary unit;
- Assume radio communications responsibilities;
- Assist in the apprehension of suspect(s).

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The supervisor on duty, or in his/her absence the watch commander, will monitor and control any pursuit from its origin to its conclusion. Additionally, he/she will:

- Obtain sufficient information to determine that the pursuit is justified;
- Continually assess the risk factors associated with the pursuit to determine if continuing the pursuit is warranted;
- Ensure available aircraft has been requested;
- Ensure only the required units are involved, considering both the number of active and perimeter units, and if necessary, verbally identify units authorized in the pursuit;
- Verify proper radio channels and procedures are being used;
- Cause other law enforcement agencies to be notified if the pursuit enters their jurisdiction;
- Contact supervisors of assisting allied agencies directly if need be;
- Advise the Communications Center that he/she is monitoring;
- Ensure policies and procedures are being followed;
- Terminate the pursuit if, in his/her judgment, the risk to human life does not warrant its continuation;
- Proceed to the termination point of the pursuit if practical to ensure the proper completion of reports or provide assistance;
- If the pursuit results in a fatality, severe injury, or property damage, respond to the scene(s), and ensure:
 - Photographs are taken when necessary;
 - The California Highway Patrol is notified of the extent of damage or injuries and requested to respond for a vehicular accident investigation.
 - At the discretion of the on-scene commander or chief deputy, the Sheriff's Office's Civil Litigations Unit may be notified and requested to respond.

The supervisor on duty or the watch commander shall order the pursuit discontinued when the factors set forth in this policy or other valid considerations indicate termination is proper.

In the event the on-duty supervisor is involved in the pursuit itself, the watch commander shall supervise the pursuit and follow the provisions outlined in this policy. On-duty supervisors shall discontinue their involvement in the pursuit when marked units are in position to take over as the primary/secondary units, allowing the supervisor to resume pursuit supervision responsibility.

PROCEDURE B: PURSUIT ASSUMED BY AN ALLIED AGENCY

When a pursuit is assumed by an allied agency, the officer initiating the pursuit will:

- Discontinue Code 3 operation;
- Continue to monitor the progress of the pursuit via the Communications Center;
- Proceed to the pursuit termination point following the rules of the road, if practical, and provide information necessary for an arrest;
- If appropriate, take custody of suspect(s) and return to Kern County jurisdiction.

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PROCEDURE C: MULTI-AGENCY PURSUITS

When an outside agency advises the Communications Center of a pursuit, dispatchers shall relay all available information to the on-duty supervisor or watch commander.

If assistance is requested by the pursuing agency, officers assigned to assist shall terminate the pursuit at the Kern County line unless there are extenuating circumstances present including, but not limited to:

- Officer or public safety;
- The outside agency's inability to continue the pursuit or immediate need of the officer's assistance;
- The seriousness of the crime.

PROCEDURE D: AIR SUPPORT

Air support will be utilized in pursuits when available. When appropriate, air support will:

- Assist in coordinating ground units;
- Report by radio the progress of the pursuit;
- Provide officers with information critical to the safe progression of the pursuit which can be used to evaluate whether or not to continue the pursuit;
- Provide pertinent facts related to officer and public safety.

PROCEDURE E: INITIATION OF THE PURSUIT INTERVENTION TECHNIQUE (PIT)

Only after considering and understanding all of the following conditions may an officer attempt to terminate a pursuit by intervention (PIT):

- The officer understands interventions are considered a use of deadly force and therefore all actions shall comply with the Sheriff's Office Policy and law;
- The officer successfully completed the Sheriff's Office PIT Training Course and understands only tactics taught in that course are authorized;
- The officer believes that the continued movement of the pursued vehicle would place officers or uninvolved persons in imminent danger of great bodily harm or death;
- The apparent risk of harm to officers or uninvolved persons outweighs the risk in the utilization of the PIT;
- The officer has considered other reasonable means of apprehension such as continuing to follow the offender, calling for air support, etc;
- Forcible stops should not be attempted when the pursued vehicle is traveling in excess of 35 MPH;
- An uninvolved motorist-occupied vehicle shall never be used to forcibly stop a pursued vehicle;
- Whenever possible, a supervisor's permission should be obtained before intervention is attempted;

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- Blocking, ramming, boxing, and roadblocks are generally prohibited in all but the gravest circumstances.

PROCEDURE F: ADMINISTRATIVE REVIEW

Following any pursuit or utilization of the PIT maneuver, the supervisor of the involved deputy shall review the involved incident report and any other information he/she believes pertinent. The supervisor will ensure the pursuit has been entered into the Sheriff’s Office Use of Force Reporting System and will complete a memorandum that minimally contains the following information:

- Location of the pursuit and a description of the involved area
- Number of units involved and the identity of each involved deputy
- Offense that caused the deputy to initiate the pursuit
- Speeds reached by the suspect and involved deputies during the pursuit
- Actions taken at the termination of the pursuit
- Identity of the supervisor(s) who monitored the pursuit

The supervisor shall prepare two Supervisor Pursuit Packages, each containing the following items:

- A copy of the supervisor’s memorandum
- A copy of the incident/investigative reports
- A copy of the CHP 187 form

One of the packages will be forwarded to the involved deputy’s section lieutenant or division commander. The other will be forwarded to the Watch Lieutenant Section.

The involved section lieutenant or division commander and the assigned watch lieutenant will make themselves aware of the circumstances surrounding the pursuit. Independently of each other, both of them will minimally:

- Review the Supervisor’s Pursuit Package;
- Listen to the involved radio traffic as necessary;
- Consult with the lead EVOC instructor and others as necessary.

After considering the above, the section lieutenant (or division commander) and the assigned watch lieutenant will:

- Confer and come to a joint determination as to whether the pursuit was warranted and/or within Sheriff’s Office policy.
 - If the watch lieutenant and the section lieutenant or division commander are unable to come to a consensus, they shall confer with the division commander where the pursuit originated and the commander will cast the deciding vote. In the event the above division commander is a part of the original conference; an uninvolved lieutenant or commander will review the material and cast the deciding vote.

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The assigned watch lieutenant will notify the Internal Affairs Unit of the finding for tracking in the Use of Force Reporting System.

If the pursuit is determined to be within policy, the assigned watch lieutenant will:

- Document the finding by case number and date of the pursuit
- Refer any training issues he/she notices to the POST Training Lieutenant

If the pursuit is determined to be outside of Sheriff's Office policy, the watch lieutenant will:

- In cooperation with the section lieutenant or division commander, complete a memorandum detailing the reasons for the finding. The memorandum, along with the supporting documents, will be forwarded to the affected division commander
 - If the division commander was involved in the policy compliance decision, he/she will take possession of the aforementioned documents.

The affected division commander will:

- Review all materials and determine if training and/or discipline is warranted. In the event the affected division commander determines training is an appropriate remedy, the relevant information will be forwarded to the lead EVOC instructor who will ensure the appropriate training is administered.
- In the event discipline is warranted, the commander will confer with his/her chief deputy to determine whether or not the matter will be referred to the Internal Affairs Unit for further investigation.
 - In the event the matter is not referred to the Internal Affairs Unit, the commander will cause the appropriate discipline to be imposed.

DIRECTIVE A: DETENTIONS PERSONNEL

Detentions deputies are prohibited from engaging in vehicular pursuits. Any detentions deputy from whom a suspect flees in a vehicle will advise dispatch of as much relevant information as possible (vehicle make and model, direction of flight, etc.)

DIRECTIVE B: ALLIED AGENCIES

Sheriff's Office personnel shall not become involved in the vehicle pursuits of other agencies unless requested to do so by the agency or when such assistance is included in established inter-agency agreements.

Notification by another agency of a pursuit in progress is not to be considered as a request to join in the pursuit. If a request for assistance is made, it will be reviewed and approved by the on-duty division commander or on-duty watch commander. Any officers assigned to assist will follow the policies and procedures of this section.

When a pursuit extends into the area of an allied jurisdiction, the supervisor monitoring the pursuit will determine if the allied agency should assume the responsibility of the pursuit and

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make the appropriate request. In all cases where the pursuit enters another jurisdiction, the on-duty division commander or on-duty watch commander will be advised immediately.

DIRECTIVE C: PURSUIT TERMINATION

A pursuit will be terminated if:

- Existing conditions present an unreasonable hazard to human life, or
- The pursued vehicle's location is no longer definitely known, or
- The speed is unreasonable considering the totality of the circumstances, or
- The subject(s) of the pursuit can be identified to the point where later apprehension can be accomplished.

The pursuing officer must base his/her decisions upon the seriousness of the crime and the existing safety factors.

DIRECTIVE D: ASSISTING UNITS

The officer(s) in the initial pursuing unit and one (1) secondary unit, when available, shall pursue a suspect fleeing in a vehicle. Other Sheriff's Office units in the general area of the pursuit shall follow its progress by radio and attempt to position themselves accordingly, should additional assistance be needed. They will not drive at speeds exceeding posted speed limits. The officer(s) operating the primary pursuit may request additional units to assist if it appears the officers in the two vehicles involved will not be sufficient to safely affect the arrest of the suspect(s). Such additional assignments will be effected by the communications dispatcher. The dispatcher may direct unneeded units to abandon pursuit as directed by the field supervisor.

The first responsibility of the primary pursuit unit is the apprehension of the suspects without unnecessarily endangering themselves or other persons.

Unless relieved by a supervisor, the officer(s) occupying the primary unit shall be responsible for the control of pursuit tactics. This will include the decision to pursue and the number of units to be utilized.

DIRECTIVE E: UNMARKED VEHICLES

Deputies operating unmarked vehicles will abandon a pursuit when sufficient marked units are available to assume their role in the pursuit and the transition can be accomplished safely.

DIRECTIVE F: CHP 187 FORM

After an officer or officers are involved in attempting to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid arrest 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 the deputy's signal to stop; the officer will complete CHP form 187a (New 1-03) along with the other necessary report forms as dictated by the type of incident

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pursuant to the Sheriff's Office Report Writing Manual. The CHP form 187 will accompany the report package to the Crime Reports Section.

The Crime Reports Section will be responsible for duplicating, filing, compiling, and mailing the completed forms to the designated CHP office.

DIRECTIVE G: PIT MANEUVER

Whenever the PIT maneuver is utilized by a member of this Office, the involved officer(s) will ensure the following occurs:

- A Motor Vehicle Accident Report is completed for each involved vehicle
- Photographs of the involved vehicles (damaged or not) are taken
- The involved officers' narrative of their PIT actions is included in their reports
- The involved vehicle is inspected as outlined in Directive H below

DIRECTIVE H: POST-PURSUIT VEHICLE SAFETY

Employees shall ensure their vehicles are operating in a safe and efficient manner at all times.

Vehicle operators shall inspect their vehicles after pursuits, PIT maneuvers, and other unusual driving occurrences and consider whether their vehicle was subjected to any maneuvers which could have possibly damaged the vehicle. Such maneuvers may include, but are not limited to:

- the use of force
- rapid acceleration
- high speeds
- rapid cornering
- hard braking

Operators of Sheriff's Office vehicles with visible or audible damage shall ensure the vehicle is taken to the appropriate repair facility for inspection.

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I have read and understand Training Bulletin 21-01 Annual Pursuit Training PC 13519.8 Compliance dated January 6, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____

IMPORTANT

Please [SIGN IN](#) to acknowledge your reading of
**Training Bulletin 21-01 Annual Pursuit Training PC
13519.8 Compliance**



Kern County

SHERIFF

DONNY YOUNGBLOOD
Sheriff-Coroner

1350 Norris Road, Bakersfield, California 93308-2231
Telephone (661) 391-7500

ISSUE: 21-03

TRAINING BULLETIN

DATE: January 22, 2021

Correctional Behavioral Health Referral

Staff members are required by DBPPM C-250 "Mentally Disordered/Developmentally Disabled Inmates" to make a referral to Correctional Behavioral Health (CBH) when an inmate appears to be suffering from a mental disorder or developmental disability. Staff will make a phone call or leave a voicemail for CBH; in **addition**, staff will make documentation of the referral in a Jail Management System (JMS) incident report.

CBH Referral via telephone call or voice message:

- Staff will call CBH staff to make a referral and document the name of the CBH member they spoke with in the JMS Incident. If staff is unable to contact CBH directly, they are to call the main number for CBH (661-391-3190) regardless of the facility to which they are assigned. Leave a detailed voicemail identifying the inmate, booking number, and the reason for the referral. The method of referral will be documented in a CJIS incident.

CBH Referral CJIS incident:

- Anytime an inmate exhibits behavior that warrants a CBH referral, it will be documented in a JMS incident under the code **4016 – Correctional Mental Health Referral**, along with any other appropriate codes in relation to the incident. In the narrative, deputies should include detailed information of the inmate's behavior as reason for the referral.

CBH Referral when receiving inmates from an outside agency:

- When receiving an inmate from an outside agency staff shall review any incoming paperwork. If there are any references to history of mental health treatment or suicidality the receiving officer shall complete a CBH referral, and document it in a JMS Incident.

I have read and understand Training Bulletin 21-03 Correctional Behavioral Health Referral dated January 24, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____

IMPORTANT

Please [SIGN IN](#) to acknowledge your reading of

Training Bulletin 21-03 Correctional Behavioral Health Referral



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Kern County

SHERIFF

ISSUE: 21-05

TRAINING BULLETIN

DATE: January 28, 2021

JITT Training Bulletin – Assembly Bill No. 2077

Please see the attached JITT Training Bulletin – Assembly Bill No. 2077. Assembly Bill No. 2077 amends Health and Safety Code 11364 by adding subsection (c), regarding the simple possession of a hypodermic needle or syringe.

I have read and understand Training Bulletin 21-05 JITT Training Bulletin – Assembly Bill No. 2077 dated January 28, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____

IMPORTANT

Please [SIGN IN](#) to acknowledge your reading of

Training Bulletin 21-05 JITT Training Bulletin – Assembly Bill No. 2077

Assembly Bill No. 2077: Hypodermic needles and syringes

Assembly Bill No. 2077 was approved by the Governor of California and filed with the Secretary of State of California on September 29, 2020. The bill is effective January 1, 2021 and shall remain in effect until January 1, 2026.

Assembly Bill 2077 amends Health and Safety Code 11364 by adding subsection (c). The legislative purpose of this amendment is to prevent the spread of bloodborne diseases among persons who use hypodermic needles and syringes.

Health and Safety Code 11364 now includes subsection (c) which states;

(c) Until January 1, 2026, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, this section shall not apply to the possession solely for personal use of hypodermic needles or syringes.

In conclusion, the simple possession of a hypodermic needle or syringe for personal use by any person for using or with the intent to use a controlled substance that is a narcotic drug classified in Schedule III, IV, or V, is no longer a crime as defined in Health and Safety Code 11364.

This bill only applies to hypodermic needles and syringes and does not include pipes or devices used to ingest controlled substances.



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Issue: 21-06

TRAINING BULLETIN

DATE: February 5, 2021

Detentions Bureau Manual Policy Update: H-150, H-350, O-200, O-300, and O-400

The changes listed below were made to the Detentions Bureau Policy and Procedure Manual and will be effective as of February 5, 2021.

Policies are available in the official version of the Detentions Bureau Manual, which is located on the "Detentions Bureau" page of the SharePoint website. In accordance with DBPPM A-200 "Maintaining Bureau Policies", any printed copies of the manual will be maintained and updated from this source. The official Detentions Bureau Policy and Procedure Manual may be accessed by clicking on the link below:

<http://sharepoint/Detention/DetentionsBureauManual/default.aspx>

Please note: This update bulletin provides only a summation of the revisions to the listed policies. **Please review the full policies** to ensure that you are familiar with the changes.

Section H-150 – Notification of Access to Medical Services has been revised:

- Pursuant to AB 732, which went into effect on January 1, 2021, this revision updates the required notifications to female inmates regarding medical care and pregnancy while incarcerated, and;
- Updates Attachment A and Attachment B with the relevant penal codes to be posted in female housing units and given by medical staff to any inmates determined to be pregnant.

Section H-350 – Guarding Inmates at the Hospital has been revised:

- Pursuant to AB 732, requires a deputy guarding a pregnant inmate in labor or delivery to be stationed outside of the room unless extraordinary circumstances exist.
- In the case of extraordinary circumstances requiring the deputy to be in the room, this revision requires that the deputy place themselves in a location providing as much privacy as possible, to report the circumstances to the supervisor, and document the reasons in the relevant report/supplemental.

Section O-200 – Use of Force – Pepperball has been revised:

- Removes references to the SA-200 launcher, which is no longer in use.
- Clarifies that a supervisor's approval is required to **deploy** (remove from storage to respond to an incident) the launcher. Supervisor approval is not generally required to **use** (fire) the launcher; this decision is to be made by the deputy in accordance with the relevant Sheriff's Office use of force policies.
- Pursuant to AB 732, prohibits the use of the Pepperball launcher against an inmate known or believed to be pregnant for either direct impact or area treatment.
 - If a Pepperball Launcher may be used in a location where a pregnant inmate may be exposed to the Pepperball powder, reasonable steps will be taken to remove the pregnant inmate(s) or otherwise avoid exposing them to the Pepperball powder.
- Requires inmates exposed to Oleoresin Capsicum (O.C.) powder be given the opportunity to decontaminate as needed in accordance with the relevant training as soon it is reasonably safe to do so. The opportunity to decontaminate will be documented in the relevant incident report.

Section O-300 – Electronic Immobilization Shield has been revised:

- Eliminates the requirement for administrative sergeants and the EID Instructional Team Leader to maintain Stun Shield files. Instead, the activation form will be attached to the relevant Incident Report and photographs of injuries will be booked as part of the report.
- Pursuant to AB 732, prohibits the use of the Stun Shield against an inmate known or believed to be pregnant.

Section O-400 – Band-It Restraint System has been deleted:

- This electronic restraint system is no longer in use in the Detentions Bureau.

IMPORTANT

Please [SIGN IN](#) to acknowledge your reading of

Training Bulletin 21-06 Detentions Bureau Manual Policy Update: H-150, H-350, O-200, O-300, and O-400

I have read and understand Training Bulletin 21-06 Detentions Bureau Manual Policy Update: H-150, H-350, O-200, O-300, and O-400 dated February 5, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____



Kern County

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ISSUE: 21-09

TRAINING BULLETIN

DATE: March 10, 2021

**PREA Refresher
PREA Standard 115.31- Employee Training**

All Detention Bureau employees are required to receive refresher PREA training. This refresher Training Bulletin is being provided in order to ensure staff can prevent, detect, and respond to sexual abuse and sexual harassment. Staff are required to review and follow all Prison Rape Elimination Act (PREA) policies, which can be found in Chapter "P" of the Detentions Bureau Policy and Procedure Manual.

ZERO TOLERANCE

The Kern County Sheriff's Office is committed to zero-tolerance of any form of sexual abuse and sexual harassment. The Detentions Bureau is committed to enforcing the standards set forth by the Prison Rape Elimination Act (PREA). The following are prohibited and will be thoroughly investigated:

1. Sexual abuse or harassment of an inmate by any KCSO staff member, volunteer, or contractor;
2. Retaliation towards any inmate, staff member, volunteer, or contractor for reporting sexual abuse and/or sexual harassment;
3. Retaliation towards any inmate, staff member, volunteer, or contractor for cooperating in an investigation.

INMATE RIGHTS UNDER PREA REGULATIONS

Inmates have the right to:

1. Be free from sexual abuse, and sexual harassment by other inmates or staff;
2. Confidentially report incidents of sexual abuse and issues related to gender identity or sexual orientation;
3. Receive free medical care if sexually abused, including forensic examinations;
4. Have a crisis advocate present during a forensic examination or investigation interview;
5. Remain anonymous if requested when reporting sexual abuse or harassment;
6. Have a third-party report sexual abuse or harassment on their behalf;
7. Have sexual abuse or harassment investigated and the perpetrator held accountable;

8. Know the outcome of any sexual abuse or harassment allegation reported and investigated;
9. The KCSO recognizes that certain inmates (youthful inmates, those with mental illness, mobility or other physical impairment, LGBTIQ, and those with limited English proficiency) in its custody are potentially vulnerable and at greater risk for sexual abuse or sexual harassment. Specific guidelines afforded by the PREA standards to protect at-risk or vulnerable populations from abuse can be found in DBPPM P-400.

STAFF RESPONSIBILITIES UNDER PREA REGULATIONS

Staff shall:

1. Report any knowledge, suspicion, or information about sexual abuse or sexual harassment;
2. Report any retaliation against inmates or staff for reporting a sexual abuse incident;
3. Maintain a professional relationship with inmates and avoid fraternization;
4. Write a confidential e-mail to your supervisor if you have information about staff misconduct;
5. Treat sexual abuse victims respectfully as a professional employee of KCSO;
6. Accept any verbal or written report of sexual abuse or harassment from an inmate or third party;
7. **Staff must provide a gender announcement prior to entering an opposite gender housing area;**
8. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

This includes supervisor jail incident logs. When completing an incident log, do not include the involved inmates' names. Instead, include the location where the allegation took place, the type of allegation, and the case number.

Example: *On February 1, 2021 at approximately 1200 hours, an inmate housed at the Pre-Trial Facility made an allegation of sexual harassment by another inmate. Sgt. Smith was notified, and Sr. Jones was assigned to conduct the preliminary investigation. LERMS 2021-00000001, CJIS SO 21-01234.*

PREA RESPONSE REQUIREMENTS

Staff shall:

1. Immediately notify the shift supervisor;
 2. Respond immediately if an inmate is subject to substantial risk of imminent sexual abuse;
 3. Separate the victim from the suspect(s);
-

4. Secure any crime scene, protect evidence from destruction, including evidence on the victim or suspect;
5. Advise the victim not to take evidence destroying actions such as eating, drinking, or using the toilet;
6. Secure the suspect(s) in a different holding area away from water to preserve evidence;
7. Obtain any needed medical care or clearance, and contract Correctional Behavioral Health if necessary.

Only Senior Deputies who have been trained in PREA investigations shall conduct a preliminary PREA investigation and will follow the investigative steps as detailed in DBPPM Section P-600.

If you have any questions about the material in this Training Bulletin, please contact the PREA coordinator by e-mailing preacoordinator@kernsheriff.org.

IMPORTANT
Please [SIGN IN](#) to acknowledge your reading of

Training Bulletin 21-09 PREA Refresher
PREA Standard 115.31- Employee Training

I have read and understand Training Bulletin 21-09 PREA Refresher, PREA Standard 115.31- Employee Training dated March 10, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____



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ISSUE: 21-13

TRAINING BULLETIN

DATE: March 29, 2021

Inmate Phones: New Attorney Admonishment Change

Securus Technologies and the Kern County Sheriff's Office recognize the importance of protecting the privacy of communications between incarcerated individuals and their attorneys. Our Secure Call Platform is designed to allow correctional agencies to quickly add attorney numbers as "private," so calls made to these numbers will not be recorded and cannot be monitored. In addition, all non-private calls are preceded by a verbal notice that the call is "subject to recording and monitoring."

As part of our ongoing commitment to protecting private communications, we are pleased to announce two new modifications to our calling platform to further safeguard calls between incarcerated individuals and their attorneys.

Effective March 30, 2021 we will implement the following modifications when the public or attorney receives a phone call regarding its recording status.

Modification 1: Expanded Verbal Warning. Currently, our standard warning states that each non-private call is "subject to recording and monitoring." We are replacing this warning with the following:

"This call is not private. It will be recorded and may be monitored. If you believe this should be a private call, please hang up and follow facility instructions to register this number as a private number. To consent to this recorded call, press 1."

In addition, we are adding the following notice to all private calls:

"This is a private call. It will not be recorded and cannot be monitored."

These changes will further protect the privacy of communications between incarcerated individuals and their attorneys and reduce any issues resulting from the failure to privatize attorney numbers.

Modification 2: Attorney Call Type Option. Calls between incarcerated individuals and their attorneys may be recorded inadvertently when an incarcerated individual calls a number they believe to be private but is not listed as private within Secure Call Platform. To help prevent this, we have developed an Attorney Call Type Option, which allows the calling party to indicate their belief that they are calling a private number. If that number is private within Secure Call Platform, for your agency, the call will be

completed and will not be recorded. If the number is not private, the call will not be completed, and the calling party will be informed that the number is not set to private. These changes will reduce any issues arising from a calling party's mistaken belief that a particular number is set to private.

If you have any questions please contact the Inmate Services Section at (661) 391-2629 or e-mail: inmateservices@kernsheriff.org.



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ISSUE: 21-11

TRAINING BULLETIN

DATE: March 22 2021

Detentions Bureau Manual Policy Update: B-500, D-400, E-500, and H-100

The changes listed below were made to the Detentions Bureau Policy and Procedure Manual and will be effective as of March 22, 2021. Policies are available in the official version of the Detentions Bureau Manual, which is located on the “Detentions Bureau” page of the SharePoint website. In accordance with DBPPM A-200, any printed copies of the manual will be maintained and updated from this source. The official Detentions Bureau Policy and Procedure Manual may be accessed by clicking on the link below:

<http://sharepoint/Detention/DetentionsBureauManual/default.aspx>

Please note: This update bulletin provides only a summation of the revisions to the listed policies. **Please review the full policies** to ensure that you are familiar with the changes.

Section B-500 – Fire Suppression Pre-Planning has been revised:

- Addresses periodic testing of emergency equipment, such as fire alarms and fire sprinkler systems.

Section D-400 – Issuance and Exchange of Inmate Clothing has been revised:

- Addresses standard issue of clothing and linens to inmates, exceptions for specific situations, and designated clothing colors for specific types of inmates.

Section E-500 – Visiting Hospitalized Inmates has been revised:

- Makes exceptions to hospital guard rules pursuant to AB 732 in relation to guarding a pregnant inmate who is in labor. Exceptions address the requirement that deputies be stationed outside of the room when an inmate is in labor (see DBPPM H-350) and allowance of a support person to be present during labor (see DBPPM H-100 as revised in this update.)

Section H-100 – Pregnant or Postpartum Inmates has been revised:

- Pursuant to AB 732, establishes protocols for a pregnant inmate to have a designated support person present during labor and childbirth, as required by Penal Code Section 4023.8(m).

- Requires that staff treat an inmate in labor or presumed to be in labor as an emergency, as required by Penal Code Section 4023.8(l).
- Requires that a pregnant inmate assigned to a multitier housing unit be assigned a bottom bunk on a bottom tier, as required by Penal Code Section 4023.8(g).

IMPORTANT

Please **SIGN IN** to acknowledge your reading after reviewing
the Training Bulletin 21-11 Detentions Bureau Manual Policy

Update: B-500, D-400, E-500, and H-100

I have read and understand Training Bulletin 21-11 Detentions Bureau Manual Policy
Update B-500 dated March 22, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____



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Kern County

SHERIFF

ISSUE: 21-15

TRAINING BULLETIN

DATE: April 16, 2021

Law Enforcement Only

Detentions Bureau Manual Policy Update: H-350

The changes listed below were made to the Detentions Bureau Policy and Procedure Manual and will be effective as of **April 17, 2021**.

Policies are available in the official version of the Detentions Bureau Manual, which is located on the "Detentions Bureau" page of the SharePoint website. In accordance with DBPPM A-200, any printed copies of the manual will be maintained and updated from this source. The official Detentions Bureau Policy and Procedure Manual may be accessed by clicking on the link below:

<http://sharepoint/Detention/DetentionsBureauManual/default.aspx>

Please note: This update bulletin provides only a summation of the revisions to the listed policies. **Please review the full policies** to ensure that you are familiar with the changes.

Section H-350 – Guarding Inmates at the Hospital has been revised:

- Provides the EMP Unit Supervisor the authority to approve a GPS Monitor to be placed on an inmate in conjunction with a hold at Kern Medical.
- Establishes a process to determine which facility will be responsible for providing the staff needed to guard inmates who have been admitted to a hospital. Establishes a rotation between the jail facilities for that responsibility.

IMPORTANT

Please **SIGN IN** to acknowledge your reading after
reviewing the Training Bulletin 21-15 Detentions Bureau
Manual Policy Update: H-350

I have read and understand Training Bulletin 21-15 Detentions Bureau Manual Policy Update: H-350 dated April 16, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____



Kern County

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ISSUE: 21-16

TRAINING BULLETIN

DATE: April 23, 2021

CHP Information Bulletin No. 261
Warning Lights and Flashing Lights

Please see the attached CHP Information Bulletin No. 261, dated April 8, 2021. CHP Information Bulletin No. 261 provides information regarding warning-light and flashing-light requirements.



INFORMATION BULLETIN

*for Allied
Agencies*

April 8, 2021

BULLETIN NUMBER 261

WARNING LIGHTS AND FLASHING LIGHTS

The widespread use of light-emitting diode technology has made it possible to install lighting of any color and operation virtually anywhere on a vehicle. Many special hazard vehicles, such as construction vehicles and tow trucks, are being equipped with different types and colors of flashing lights, some of which are not permitted. This Allied Agency Information Bulletin (AAIB) provides information regarding warning-light and flashing-light requirements.

For the purposes of this AAIB, the terms lamp, light, and illuminating device have the same meaning. Refer to CHP 884, Warning Lamps for Authorized Emergency Vehicles and Special Hazard Vehicles, for a summary of required and permitted lighting devices on authorized emergency vehicles (AEV) and other special hazard vehicles. The CHP 884 can be found on the California Highway Patrol Web site, at <https://www.chp.ca.gov>, using the search function.

Section 24003 of the California Vehicle Code (CVC) states:

No vehicle shall be equipped with any lamp or illuminating device not required or permitted in this code, nor shall any lamp or illuminating device be mounted inside a vehicle unless specifically permitted by this code.

Article 7 of Division 12 CVC and Section 25301 CVC specify conditions when flashing lights may be displayed, and the vehicles which are required or permitted to be equipped with warning lights. Excessive use and misuse of flashing lights and warning lights reduces public recognition of their purpose, and decreases the effectiveness of the lights.



Section 30 CVC states:

It is declared as a matter of legislative policy that red lights and sirens on vehicles should be restricted to AEV engaged in police, fire, and lifesaving services, and that other types of vehicles which are engaged in activities which create special hazards upon the highways should be equipped with flashing amber warning lamps.

Section 25268 CVC states:

No person shall display a flashing amber warning light on a vehicle as permitted by this code except when an unusual traffic hazard exists.

Section 25269 CVC states:

No person shall display a flashing or steady burning red warning light on a vehicle except as permitted by Section 21055 CVC, or when an extreme hazard exists.

With the exception of a school bus, AEV, or armored car, warning lights on vehicles are required to be amber in color. Amber warning lights authorized by Sections 25260.4, 25270, and 25281 CVC are required to be removed or covered when not in use.

Section 25257 CVC requires every school bus to be equipped with a flashing red light signal system. Additionally, school buses manufactured on or after July 1, 1993, are required to be equipped with an amber warning light system, and a school bus manufactured prior to that date may be equipped with an amber warning light system. The warning lights on a school bus may only be activated in compliance with Section 22112 CVC. Finally, pursuant to Section 25257.7 CVC, a school bus may display a flashing white strobe light when atmospheric conditions reduce visibility to 500 feet or less.

Section 25252 CVC requires every AEV to be equipped with at least one steady burning red warning light visible to the front of the vehicle. An AEV is also permitted to display the following lights:

- Steady burning, revolving, or flashing red warning lights to the front, sides, or rear of the vehicle pursuant to Section 25252 CVC.
- Flashing amber warning lights, and steady burning or flashing white warning lights pursuant to Section 25259 CVC.



- Flashing white light from a gaseous discharge lamp designed and used to control traffic signals pursuant to Section 25258 CVC.
- Upper-beam headlamps flashing alternately (wig-wag) from one side of the vehicle to the other side of the vehicle in compliance with Section 25252.5 CVC.
- Steady burning or flashing blue warning light when used by a peace officer in the performance of their duties, described in Section 25258 CVC.

Warning lights on an AEV must be used in compliance with the statute requiring or permitting the display of the lights, as well as Sections 21055, 25268, and 25269 CVC.

An armored car may be equipped with steady burning or flashing red lights pursuant to Section 25262 CVC. The lights may only be used while resisting an armed robbery.

Section 25250 CVC prohibits flashing lights on vehicles unless permitted or required by another section of the CVC. The following are examples of permitted, required, or prohibited flashing lights:

- A vehicle has the turn signal lamps flashing simultaneously on the front and rear, and on each side of the vehicle (four-way flashers), as it approaches and passes a large box in the traffic lane. The use of these lamps in this manner is permitted by Section 25251(a)(3) CVC.
- After performing a pretrip inspection on a commercial vehicle, the driver determines that the taillamps on the trailer at the rear of a combination of vehicles are inoperative. It is during the hours of darkness, so the driver activates the four-way flashers and drives the vehicle. This use of the four-way flashers is not permitted by Section 25251 CVC and, therefore, is a violation of Section 25250 CVC.
- The two brake lamps and center high-mounted brake lamp on a tow truck flash when the warning lights are activated. Brake lamps may only flash when in compliance with Sections 25251(d) and 25251.4 CVC; therefore, these flashing lights are a violation of Section 25250 CVC.
- A pilot car required by an extralegal permit pursuant to Section 35780 CVC, or any vehicle or combination of vehicles subject to the permit if specified in the permit, displays flashing amber and white warning lights. The amber warning light is required pursuant to Section 25270 CVC. However, the white warning light is a violation of Section 24003 CVC.



- A traffic control vehicle used by a construction crew on the freeway displays flashing amber and white warning lights as it is driven at freeway speed from the construction site to a location off the freeway. The display of the white warning light is a violation of Section 24003 CVC. This vehicle may display an amber warning light, pursuant to Section 25256 CVC, when parked or working upon the highway. This vehicle is doing neither; therefore, the display of the flashing amber warning light is a violation of Section 25250 CVC. Additionally, in this scenario, no unusual traffic hazard exists; therefore, the display of the flashing amber warning light is a violation of Section 25268 CVC.
- A fire truck is displaying steady burning and flashing green warning lights while responding to an emergency call for service. The display of green warning lights is not permitted by the CVC; therefore, this is a violation of Section 24003 CVC.
- An ambulance driven by a paramedic is displaying a flashing blue warning light while responding to an emergency call for service. Blue warning lights are only permitted on an AEV used by a peace officer described in Section 25258 CVC; therefore, the flashing blue warning lights are a violation of Section 24003 CVC.
- A private security vehicle marked as required by Section 25279 CVC is equipped with amber warning lights mounted inside the windshield and rear window. Although this vehicle is permitted to be equipped with amber warning lights, Section 25279 CVC does not specify that the lights may be mounted inside the vehicle; therefore, the warning lights are a violation of Section 24003 CVC.
- A private company has equipped a vehicle with warning lights for use as a demonstration vehicle for sales purposes. While the vehicle is driven from location to location upon the highway, the warning lights are never activated. Unless the vehicle is defined as an AEV, this vehicle is not permitted to be equipped with warning lights. Although the warning lights are never activated while the vehicle is upon the highway, a violation of Section 24003 CVC exists.

Questions regarding this AAIB may be directed to the Commercial Vehicle Section, at (916) 843-3400.

OFFICE OF THE COMMISSIONER

OPI: 062

DISTRIBUTION: Allied Agency List





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ISSUE: 21-18

TRAINING BULLETIN

DATE: May 28, 2021

FENTANYL OVERDOSES

In the past, the Training Section has released several training bulletins related to Fentanyl, the harm it causes people who encountered it and the fact there have been several overdoses throughout Kern County.

Recently the Training Section received statistical information from the Kern County Coroner's office regarding an alarming number of deaths in Kern County with Fentanyl being a contributing factor. The following is a short list of stats collected for the first quarter of 2021:

- January 2021 – There were 21 deaths and the average age was 37 years old.
- February 2021 – There were 9 deaths and the average age was 38 years old.
- March 2021 – There were 18 deaths and the average age was 41 years old.
- April 2021 – There were 9 deaths and the average age was 44 years old.

Their ages ranged from 14 years old to 69 years old. The Coroner's Office did see an increase in Fentanyl overdose in 2020; however, in 2021, most of the drug overdoses have a Fentanyl component to them. Specifically, the Coroner's Office is seeing a lot of methamphetamine, heroin, and cocaine mixed with Fentanyl. The locations of the deaths are throughout all of Kern County and not in one generalized location.

One large concern is Acetyl Fentanyl. This form of Fentanyl is 15 times more potent than other forms of Fentanyl and is considered a designer drug. Although we do not have a lot of stats regarding this designer drug, the three deaths involving this drug were females.

Law enforcement officers should use caution when approaching a scene with Fentanyl present; the substance can be absorbed through the skin and through inhalation of airborne powder. Fentanyl can be fatal if swallowed, inhaled, or absorbed through the skin. If Fentanyl comes in contact with the skin, it can enter the body through inadvertent touching of the mouth, nose, or other mucous membrane. It is important to wash your hands to limit the possibility of exposure. Hand Sanitizer should not be used. Fentanyl should be handled with nitrile gloves and other personal protective equipment. Naxalone (Narcan), an opioid antagonist, can be used to counter Fentanyl's effects and can be administered intravenously, intramuscularly, or subcutaneously. When administered quickly and effectively, Narcan restores breathing to a victim in the throes of a heroin or opioid overdose.

The Sheriff's Office Narcotics Division stated they have seized approximately 127,000 Fentanyl pills so far this year. Narcotics detectives stated the dealers are cutting the Fentanyl into their methamphetamine, cocaine and heroin, and they are not doing this through a clinically approved manner. In the end, some users do not realize Fentanyl is present in their drug of choice or they do not realize how much Fentanyl is present.

If you encounter fentanyl or suspected fentanyl and are unsure how to handle the substance, please contact detectives from the Narcotics Division.

For further information, refer to Training Bulletin 18-23 – Fentanyl Exposure Risk.

For further information on Narcan, refer to Training Bulletin 18-34 – Narcan Update and Policy Update.

FENTANYL[†]

SAFETY RECOMMENDATIONS FOR FIRST RESPONDERS

[†] For the purposes of this document, fentanyl, related substances, and synthetic opioids (herein after referred to as fentanyl[†]) includes fentanyl analogues (e.g., acetylfentanyl, acrylfentanyl, carfentanil, furanylfentanyl), novel synthetic opioids (e.g., U-47700), and other drugs that may be laced with these substances.

- ▶ **The abuse of drugs containing fentanyl[†] is killing Americans. Misinformation and inconsistent recommendations regarding fentanyl[†] have resulted in confusion in the first responder community.**
- ▶ You as a first responder (law enforcement, fire, rescue, and emergency medical services (EMS) personnel) are increasingly likely to encounter fentanyl[†] in your daily activities (e.g., responding to overdose calls, conducting traffic stops, arrests, and searches).
- ▶ This document provides scientific, evidence-based recommendations to protect yourself from exposure.

WHAT YOU NEED TO KNOW

- ▶ Fentanyl[†] can be present in a variety of forms (e.g., powder, tablets, capsules, solutions, and rocks).
- ▶ Inhalation of airborne powder is MOST LIKELY to lead to harmful effects, but is less likely to occur than skin contact.
- ▶ Incidental skin contact may occur during daily activities but is not expected to lead to harmful effects if the contaminated skin is promptly washed off with water.
- ▶ Personal Protective Equipment (PPE) is effective in protecting you from exposure.
- ▶ Slow breathing or no breathing, drowsiness or unresponsiveness, and constricted or pinpoint pupils are the specific signs consistent with fentanyl[†] intoxication.
- ▶ Naloxone is an effective medication that rapidly reverses the effects of fentanyl[†].

Actions to take . . .

To protect yourself from exposure

- ▶ Wear **gloves** when the presence of fentanyl[†] is suspected.
- ▶ **AVOID actions that may cause powder to become airborne.**
- ▶ Use a properly-fitted, NIOSH-approved **respirator ("mask")**, wear **eye protection**, and minimize skin contact when responding to a situation where small amounts of suspected fentanyl[†] are visible and may become airborne.
- ▶ Follow your department guidelines if the scene involves large amounts of suspected fentanyl[†] (e.g., distribution/storage facility, pill milling operation, clandestine lab, gross contamination, spill or release).

When exposure occurs

- ▶ Prevent further contamination and notify other first responders and dispatch.
- ▶ Do not touch your eyes, mouth, nose or any skin after touching any potentially contaminated surface.
- ▶ Wash skin thoroughly with cool water, and soap if available. **Do NOT use hand sanitizers as they may enhance absorption.**
- ▶ Wash your hands thoroughly after the incident and before eating, drinking, smoking, or using the restroom.
- ▶ If you suspect your clothing, shoes, and PPE may be contaminated, follow your department guidelines for decontamination.

If you or other first responders exhibit

- **Slow Breathing or No Breathing**
- **Drowsiness or Unresponsiveness**
- **Constricted or Pinpoint Pupils**
- ▶ Move away from the source of exposure and call EMS.
- ▶ Administer naloxone according to your department protocols. Multiple doses may be required.
- ▶ If naloxone is not available, rescue breathing can be a lifesaving measure until EMS arrives. Use standard basic life support safety precautions (e.g., pocket mask, gloves) to address the exposure risk.
- ▶ If needed, initiate CPR until EMS arrives.



Collaborative Support From:

- American College of Emergency Physicians
- American College of Medical Toxicologists
- American Industrial Hygiene Association
- Association of State and Territorial Health Officials
- Association of State Criminal Investigative Agencies
- Fraternal Order of Police
- International Association of Chiefs of Police
- International Association of Fire Chiefs
- International Association of Fire Fighters
- Major Cities Chiefs Association
- Major County Sheriffs of America
- National Alliance of State Drug Enforcement Agencies
- National Association of Counties
- National Association of County and City Health Officials
- National Association of Emergency Medical Technicians
- National Association of EMS Physicians
- National Association of State EMS Officials
- National Governor's Association
- National HIDTA Directors Association
- National Narcotic Officers' Associations' Coalition
- National Sheriffs' Association
- National Volunteer Fire Council
- Police Executive Research Forum
- Police Foundation



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ISSUE: 21-19

TRAINING BULLETIN

DATE: May 28, 2021

Death Investigations

Over the past few years, the Sheriff's Office has seen a large influx of new deputies successfully completing FTO and being assigned to a patrol position. Also, there has been a steady increase in homicides occurring in Kern County. Many death investigations are very clear-cut. However, there are certainly some death investigations that are not so simple, some of which are determined to be a homicide after the initial investigation.

For these reasons, it is important to ensure death investigations are completed thoroughly, regardless of the suspected cause of death. The importance of the preliminary investigation cannot be overstated. Not only does it form the foundation for further investigative efforts, but also, for most crimes, it represents the only investigation that is conducted. As such, it is imperative the investigation is as thorough as possible, and the subsequent crime reports are accurate and complete.

In an effort to enhance/refresh investigative skills, the following is a guideline for death investigations. This is by no means an exhaustive list, but can be used as a reference:

- Determine the extent of victim's injuries and render appropriate aid when necessary.
- Attempt to locate and apprehend likely suspects.
- Maintain security of the crime scene.
 - This includes establishing an inner and outer perimeter.
 - Start a crime scene log documenting all personnel within the scene, as well as coming or going. Medical personnel should be included in this crime scene log, as well as who pronounces the victim deceased, if applicable.
- Until relieved by a Homicide supervisor, the deputy shall maintain strict security of the crime scene.
- If you are responding to an obvious death, please limit the number of medical/fire personnel in the scene, if they are necessary at all. This includes limiting KCSO personnel to only those necessary to maintain the integrity of the scene.
- Try to prevent medical/fire personnel from covering the body. This makes it more difficult to investigate and requires scene processing to be done twice. It also contaminates the body.

- Perform an area canvas in an attempt to locate witnesses to the crime and document who you speak to. Also, check for potential additional victims during this time. During the canvas, search for potential evidence:
 - Video surveillance
 - Discarded weapons
 - Blood trail
 - Drag marks
 - Collateral property damage (i.e. bullet strikes)
 - Interview witnesses and family members for full disclosure of the event and gather all possible suspect identifiers.
 - This may be a short statement to be provided to detectives for further interviews if it is known there will be a Homicide Detective response, but there should be at least an initial statement obtained.
 - It is preferred that this statement is recorded, even if detectives are called out. This preserves key statements.
 - If there is not a Homicide Detective callout, a full recorded statement should be obtained.
 - Obtain complete identifying information for contacts/witnesses.
 - Attempt to identify the decedent without searching the decedent's person for identification.
 - Any person who searches for or removes any papers, moneys, valuable property or weapons constituting the estate of the deceased from the person of the deceased or from the premises, prior to arrival of the coroner or without the permission of the coroner, is guilty of a misdemeanor (Government Code 27491.3 (c)).
 - A peace officer may search the person or property on or about the person of the deceased, whose death is due to a traffic accident, for a driver's license or identification card to determine if an anatomical donor card is attached. If a peace officer locates such an anatomical donor card which indicates that the deceased is an anatomical donor, the peace officer shall immediately furnish such information to the coroner having jurisdiction (Government Code 27491.3 (d)).
 - Good photographs should be taken of the entire scene if there is not going to be a detective response. This can be accomplished by deputies on scene or with the assistance of Crime Scene Technicians. It is better to take more photographs than not enough.
 - Overall photographs
 - Medium-Range photographs
 - Close-Range photographs
 - If there is a firearm involved, the condition of the firearm needs to be thoroughly documented, including the loaded status, magazine status and any obvious blood
-

or tissue located on the weapon. **The firearm should only be handled in the gravest of circumstances such as when it poses an immediate threat to officers (i.e. removing firearm from suspect's hand).**

- If a weapon, other than a firearm, is involved, it should be left in place if at all possible. If it must be moved, do so using new latex/nitrile gloves. In the event a weapon or other evidence is moved bare handed in an emergency, document what occurred in a report and notify the responding Detective Sergeant. **The weapon should only be handled in the gravest of circumstances such as when it poses an immediate threat to officers (i.e. removing weapon from suspect's hand).**
- It is the deputy's responsibility to initiate homicide proceedings by notifying their supervisor, who will notify the Communications Center. This should be done if the victim is deceased or highly likely to succumb to their injuries.
- The Coroner is to be notified of the death by the Communications Center simultaneously at the time the Patrol Sergeant or Homicide Sergeant are notified. Any person who does not notify the coroner immediately as required by this section is guilty of misdemeanor GC27491.
- The deputy on scene is to provide a complete and accurate investigative report based on the information they have obtained.

Upon the arrival of detectives, there will be a briefing as the investigation is transitioned from patrol to detectives. Generally, you will provide:

- Case number, time of call and RP information.
- Summary of what has taken place and information obtained thus far.
- Identity of the victims and witnesses, and what they have said.
- Any potential significant evidence, such as the location of bloody clothing or video surveillance, should be pointed out during the briefing.
- It will also be noted at this time which deputies will complete the initial and supplemental reports.

If deputies on scene of a death investigation are unable to determine it is a non-homicidal death (i.e. accidental, suicide, overdose, natural, etc.) they should contact their immediate supervisor for guidance and continue a parallel investigation with the coroner. The coroner has a mandated duty to inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths, GC 27491. Some death scene investigations have an unknown cause/manner of death until the autopsy is performed. Therefore, a parallel investigation ensures both deputy and coroner death scene investigations are completed at the time of death. The cause of death is determined after the autopsy; however, the manner of death is determined from the strength of the investigation.

Patrol Sergeants may also contact the Homicide Sergeant during normal business hours or the on-call Detective Sergeant after hours.

IMPORTANT

Please **SIGN IN** to acknowledge your reading after
reviewing the Training Bulletin

I have read and understand Training Bulletin 21-19 Death Investigations dated May 28, 2021.

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____



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Kern County

SHERIFF

ISSUE: 21-21

TRAINING BULLETIN

DATE: June 16, 2021

AMENDED: JOURNALIST RIGHTS TO ACCESS AND COVER PUBLIC PROTESTS

The purpose of this training bulletin is to clarify law enforcement's relationship and treatment of the press during critical incidents, including riots and protests.

Over the past year, the United States has seen an uptick in both peaceful and non-peaceful protests. Recently, the American Civil Liberties Union Foundation (ACLU) published a document that cited several incidents occurring in southern California where journalists were detained, arrested and their First Amendment right to gather and disseminate information to the public was interfered with. The ACLU cited the following incidents:

- In May of 2020, LAPD shot a reporter with a rubber bullet as she held her press badge over her head.
- In May of 2020, Long Beach PD hit a reporter with less lethal munitions in the neck.
- In September of 2020, LASD deputies arrested a reporter who was taken to the ground during the arrest.
- In October of 2020, members of LAPD arrested a reporter who was taken to the ground during an arrest.

The relationship between law enforcement agencies and the media is and always has been a delicate balancing act. The partnership between journalists and news outlets can be vital to a law enforcement agency. Law enforcement is driven by a commitment to public safety. It is necessary for law enforcement to allow journalists to gather information and report that information to the public while maintaining the integrity of any peacekeeping operation.

Typically, law enforcement works with journalists and provides a safe location for them to gather footage and information that is provided to them from law enforcement. If the integrity of the mission is compromised, the press has no right of special access to information and they can be excluded from crime and disaster scenes to the same extent as the public. Penal Code 409.5(a) states the following:

Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, any officer

*or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (f) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (e) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards **to any and all persons not authorized by the lifeguard or officer** to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.*

During a protest or a riot, it is important for law enforcement to reach out to the media so journalists can attempt to cover the incident. In large scale incidents, supervisors of the Kern County Sheriff's Office can request our Public Information Officer liaison between the media and our units on scene. This will free up additional personnel to assist with scene security or other duties. If a journalist takes it upon themselves to enter a protest that later becomes deemed an unlawful assembly, or begins to interfere with law enforcement duties, then the journalists, just like other law violators, need to disperse. It is not expected that a law enforcement official will be able to discern between a member of the media and other law violators, especially if they appear to be taking part in a civil unrest.

Even though law enforcement needs to work with the media, it should not come at the expense of public safety or compromise the safety of officers in the field.



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ISSUE: 21-28

TRAINING BULLETIN

DATE: July 8, 2021

**DOJ Information Bulletin 2021-DLE-05
California Laws That Prohibit Hate Crimes and/or Provide Enhanced Penalties for
Specified Hate-related Acts**

Please see the attached DOJ Information Bulletin No. 2021-DLE-05, dated June 30, 2021. DOJ Information Bulletin No. 2021-DLE-05 provides local law enforcement officials across California with the necessary information and tools to continue to respond appropriately and swiftly to hate crime activity.


IMPORTANT

Please **SIGN IN** to acknowledge your reading after
reviewing the Training Bulletin

I have read and understand Training Bulletin 21-28 DOJ Information Bulletin 2021-DLE-05 dated July 8, 2021

Signature: _____ Date: _____

Printed Name: _____ CAD ID #: _____

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT John D. Marsh, Acting Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i></p> <p>California Laws That Prohibit Hate Crimes and/or Provide Enhanced Penalties for Specified Hate-related Acts</p>	<p><i>No.</i></p> <p>2021-DLE-05</p>	<p><i>Contact for information:</i></p> <p>John D. Marsh, Acting Chief Division of Law Enforcement (916) 210-6300</p>
	<p><i>Date:</i></p> <p>6/30/2021</p>	

TO: All DISTRICT ATTORNEYS, CHIEFS OF POLICE, SHERIFFS, AND STATE LAW ENFORCEMENT AGENCIES

This bulletin is designed to ensure that state and local law enforcement officials across California have the necessary information and tools to continue to respond appropriately and swiftly to hate crime activity. Such events are damaging to the residents and communities we are entrusted to serve, particularly when they involve threats of violence.

Hate crimes are serious crimes that may result in imprisonment or jail time for offenders. The California Department of Justice (DOJ) provides this updated summary to local law enforcement agencies about the multiple California criminal laws that prohibit hate crimes and/or provide enhanced penalties for specified hate-related acts. This bulletin also briefly summarizes the Ralph Civil Rights Act and the Tom Bane Civil Rights Act, which provide civil remedies for certain hate crime activity in California. Further, this bulletin provides an overview of the statutory requirements for agency hate crimes policies and best practices for hate crimes investigations. Finally, this bulletin identifies experts in civil rights enforcement and hate crime investigation and prosecution at the California Department of Justice who are available to provide technical assistance in your effort to enforce these laws in your jurisdiction.

For more information about Hate Crime statistics and trends in California, please visit the California Attorney General’s OpenJustice website at <https://openjustice.doj.ca.gov/data>.

Thank you for your efforts to report hate crimes in your jurisdiction to DOJ, and all that you are doing to protect public safety.

California Penal Code Sections on Hate Crimes

California law recognizes that certain crimes are more serious where a victim is singled out because of their actual or perceived disability, gender, including gender identity and gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. These offenses are referred to as hate crimes, and can serve as a **stand-alone crime** under California Penal Code section 422.6, as an **aggravating factor** under section 422.7, or as an **enhancement** under section 422.75.

§ 422.55 Definition of a Hate Crime – Defines “hate crime” as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation; or because of the person’s association with a person or group with one or more of these actual or perceived characteristics.

§ 422.56 Relevant Hate Crime Terms – Provides relevant statutory definitions, including that “gender” is defined as including “gender identity and gender expression,” and “in whole or in part because of” is defined 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 the crime would not have been committed but for the actual or perceived characteristic.

§ 422.6 Threats and Vandalism to Interfere with Civil Rights – Makes it a **stand-alone crime** to willfully injure, intimidate, interfere with, oppress, or threaten, by force or threat of force, another person’s free exercise or enjoyment of their civil rights (§ 422.6, subs. (a), (c)), or knowingly deface, damage, or destroy their property (§ 422.6, subd. (b)), because of that person’s actual or perceived protected characteristic(s).

To prove interference with another’s civil rights *by force* (§ 422.6, subd. (a)), a prosecutor must establish the following **elements**:

1. The defendant, *by force*, injured, intimidated, interfered with, oppressed, or threatened another person in the free exercise or enjoyment of any legally protected right or privilege.
2. The defendant did so in whole or in part because of the other person’s actual or perceived protected characteristic(s), or because of the other person’s association with a person or group having one or more of these characteristics.
3. The defendant did so with the specific intent to deprive the other person of the free exercise or enjoyment of the legally protected right or privilege.

To prove interference with another’s civil rights *by threat of force* (§ 422.6, subs. (a), (c)), a prosecutor must establish the following **elements**:

1. The defendant, *by threat of force*, injured, intimidated, interfered with, oppressed, or threatened another person in the free exercise or enjoyment of any legally protected right or privilege.
2. The threat of force, if consisting of speech alone, threatened violence against a specific person or group.
3. The defendant had the apparent ability to carry out the threat (the threat must be one that would reasonably tend to induce fear in the alleged victim).
4. The defendant did so in whole or in part because of the other person’s actual or perceived protected characteristic(s), or because of the other person’s association with a person or group having one or more of these characteristics.

5. The defendant did so with the specific intent to deprive the other person of the free exercise or enjoyment of the legally protected right or privilege.

To prove interference with another's civil rights *by defacing, damaging, or destroying their property* (§ 422.6, subd. (b)), a prosecutor must establish the following **elements**:

1. The defendant knowingly defaced, damaged, or destroyed another person's real or personal property.
2. The defendant did so in whole or in part because of the other person's actual or perceived protected characteristic(s), or because of the other person's association with a person or group having one or more of these characteristics.
3. The defendant did so with the specific intent to intimidate or interfere with the other person's free exercise or enjoyment of a legally protected right or privilege.

A conviction under section 422.6 is a **misdemeanor** that can be punished by up to a year in county jail and/or up to a \$5,000 fine, and up to 400 hours of community service. (Pen. Code, § 422.6, subd. (c).)

§§ 422.7 and 422.75 Allegations to Elevate Misdemeanors to a Wobbler – Provide that if a person commits a crime and is motivated in part by the fact that the victim has one or more of the protected characteristics in section 422.55, the criminal offense will be considered a “hate crime.”

§ 422.7 (penalty enhancement) – If the defendant is convicted of a misdemeanor that was motivated by bias, the prosecution may use this in aggravation and seek an enhanced punishment beyond those imposed for misdemeanors. The penalty enhancement shall be charged in the accusatory pleading, and may not be used in the case of a person being punished under Penal Code section 422.6. (Felony wobbler: 16 months, or two or three years in county jail and/or fine up to \$10,000; or one year in jail.)

A prosecutor must establish the following **elements**:

1. The defendant committed the underlying crime intending to interfere with another person's legally protected right or privilege.
2. The defendant did so in whole or in part because of the other person's actual or perceived protected characteristic(s).
3. The defendant either:
 - i. caused physical injury or had the ability at that time to cause a violent injury; OR
 - ii. caused property damage in excess of \$950; OR
 - iii. has been convicted *previously* under section 422.6, subdivision (a) or (b); OR
 - iv. has been convicted *previously* of a conspiracy to commit a crime described in section 422.6, subdivision (a) or (b).

§ 422.75 (felony enhancement) – Provides for an enhanced sentence for any felony if the prosecutor can establish that it was committed as a hate crime.

A prosecutor must establish the following **element**:

1. The defendant committed the underlying crime in whole or in part because of the alleged victim's actual or perceived protected characteristic(s), or association with a person or group having one or more of these actual or perceived characteristics.

A felony hate crime sentence enhancement can add an additional one, two, or three years in state prison on top of any other sentence the defendant receives for the underlying felony. (§ 422.75, subd. (a).) If convicted of acting in concert with another person to commit the felony hate crime, the felony hate crime sentence enhancement increases to two, three, or four years in prison. (§ 422.75, subd. (b).) If convicted of committing a felony hate crime while using a firearm, the court may lengthen the sentence at its discretion. (§ 422.75, subd. (c).) Prior felony hate crime convictions can add an additional one year in state prison for each prior conviction. (§ 422.75, subd. (d).)

Additional Crimes and Enhancements that Fall within the Hate Crimes Umbrella

In addition to sections 422.7 and 422.75, other hate crime-related statutes prohibit or provide enhanced penalties for specified hate-related acts.

§ 190.2, subd. (a)(16) Special Circumstances – Provides a death penalty or sentence of life in prison without possibility of parole for first-degree murder motivated by a victim's race, color, religion, nationality, or country of origin. A prosecutor must establish that the defendant intended to kill because of the deceased person's real or perceived protected characteristic(s).

§ 190.03, subds. (a), (c) Relevant Factors for Determination of Penalty – Provides for life in prison without possibility of parole for first-degree murder motivated by a victim's actual or perceived protected characteristic(s). The prosecutor must prove the defendant committed the murder, in whole or in part, because of the deceased person's actual or perceived protected characteristic(s).

§ 302 Disturbing Religious Meetings – Establishes that it is a misdemeanor to intentionally disturb a group of people who have met to worship, whether such disturbance occurs within the place where the meeting is held, or so near it as to disturb the order and solemnity of the meeting. (Penalty: up to one year in county jail and/or up to a \$1,000 fine.)

§ 594.3, subd. (b) Vandalism of a Place of Worship – Provides that it is a felony to knowingly vandalize a place of worship or a cemetery as a hate crime. (Penalty: 16 months, or two or three years in county jail.)

§ 1170.8 – Place of Worship Aggravating Circumstance – Provides as an aggravating factor the fact that a robbery, arson, or assault with a deadly weapon or by means of any force likely to produce great bodily injury was committed upon a place of worship, or against a person while that person was within a place of worship.

§ 1170.85, subd. (b) Particularly Vulnerable Victim Aggravating Circumstance – Provides that age or disability of a victim may be considered circumstances in aggravation if those characteristics render the victim particularly vulnerable or unable to defend himself or herself.

§ 11411, subds. (a), (b) Terrorizing Private Property – Subdivision (a) provides that it is a misdemeanor to hang a noose, knowing it to be a symbol representing a threat to life, on the private property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing them, or to hang a noose, knowing it to be a symbol representing a threat to life, on the property of a primary school, junior high school, college campus, public park, or place of employment, for the purpose of terrorizing any person who attends or works at, or is otherwise associated with, the school, park, or place of employment. Subdivision (b) provides that it is a misdemeanor to place or display a sign, mark, symbol, emblem, or other physical impression on the private property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing them. (Penalty: up to one year in jail and/or a fine of up to \$5,000, with increased fine for subsequent convictions.)

A prosecutor must establish the following **elements**:

1. The defendant placed or displayed a sign, mark, symbol, emblem, or physical impression on the private property of another person.
2. The defendant did not have authorization to place or display that sign, mark, symbol, emblem, or physical impression on the property.
3. The defendant intended to terrorize the owner or occupant of the property (or acted with reckless disregard of the risk of terrorizing the owner or occupant of the property).

§ 11411, subd. (c) Terrorizing Private Property, Pattern of Conduct – Provides that it is a misdemeanor or a felony to engage in a pattern of conduct for the purpose of terrorizing the owner or occupant of private property or in reckless disregard of terrorizing the owner or occupant of that private property by placing a sign, mark, symbol, emblem, or other physical impression on that property on two or more occasions. (Felony wobbler: 16 months, or two or three years in county jail, and/or up to a \$10,000 fine; or one year in jail and/or up to a \$5,000 fine.)

§ 11411, subd. (d) Desecration of a Religious Symbol – Provides that any person who burns or desecrates a cross or other religious symbol, knowing it to be a religious symbol, on the private property of another without authorization for the purpose of terrorizing the owner or occupant or in reckless disregard of terrorizing them, or who burns, desecrates or destroys a cross or other religious symbol, knowing it to be a religious symbol, on the property of a primary school, junior high school, or high school for the purpose of terrorizing any person who attends, works at or is otherwise associated with the school shall be guilty of a felony or misdemeanor. (Felony wobbler: 16 months, or two or three years in county jail, and/or up to a \$10,000 fine; or one year in jail and/or up to a \$5,000 fine, as well as increased fines for subsequent convictions.)

A prosecutor must establish the following **elements**:

1. The defendant burned or desecrated a religious symbol on the private property of another; OR on the property of a school.
2. The defendant knew the object that they burned or desecrated was a religious symbol.

3. The defendant did not have authorization to burn or desecrate the religious symbol on the property.
4. The defendant intended (or acted with reckless disregard) to terrorize the owner or occupant of the property; OR intended to terrorize someone who attends the school, works at the school, or is associated with the school.

§ 11412 Religious Terrorism – Provides that it is a felony to attempt to discourage religious activities by threats of violence. (Penalty: 16 months, or two or three years in state prison.)

A prosecutor must establish the following **elements**:

1. The defendant caused or attempted to cause a person to refrain from exercising their religion (OR refrain from engaging in a religious service) by threatening injury upon any person or property.
2. The defendant directly communicated the threat to that person.
3. The person reasonably believed the threat could be carried out.
4. At the time the defendant made the threat, the defendant intended to cause the person to refrain from exercising their religion (OR refrain from engaging in a religious service).

§ 11413, subs. (a), (b)(2), (b)(9) Religious Terrorism by Destructive Device – Provides that it is a felony to explode, ignite, or attempt to explode or ignite any destructive device or any explosive in or about, or to set on fire, a place of worship or any private property if the property was targeted because of the protected characteristic(s) of the owner or occupant of the property and the purpose was to terrorize another or was in reckless disregard of terrorizing another. (Penalty: three, five, or seven years in county jail, and a fine of up to \$10,000.)

A prosecutor must establish the following **elements**:

1. The defendant exploded or ignited (or attempted to explode or ignite) a destructive device or explosive, or committed arson, in or about a place of worship or private property.
2. The defendant committed the act with the intent to terrorize or with reckless disregard of terrorizing someone else.

Miscellaneous Penal Code Provisions Relating to Hate Crimes

§ 136.2 Protective Orders – Provides protection against further harm. Once criminal charges are filed under any criminal statute, hate crimes victims have the right to a court order prohibiting any additional harassment during the pendency of the criminal proceeding.

§ 422.87 Law Enforcement Agency Hate Crimes Policy – Requires any local law enforcement agency that updates an existing hate crime policy, or adopts a new hate crime policy, to include, among other things, the content of the model policy framework developed by the Commission on Peace Officer

Standards and Training (POST), information regarding bias motivation, a requirement that all officers be familiar with and carry out the hate crime policy, and information regarding the general underreporting of hate crimes, as well as a plan to remedy this underreporting.

§ 13519.6 POST Hate Crimes Policy Guidelines – Requires POST to develop guidelines and training on addressing hate crimes. The guidelines must include a model policy framework that all state law enforcement agencies must adopt and that the commission shall encourage all local law enforcement agencies to adopt.

§ 422.92 Law Enforcement Agency Hate Crimes Brochure – Requires every state and local law enforcement agency to make available a brochure on hate crimes to victims of these crimes and the public. In complying with this requirement, local law enforcement agencies may utilize the California Department of Justice’s standardized brochure, which is available at <https://oag.ca.gov/hatecrimes> in fourteen languages, and which allows for agencies to insert their own seal or graphic.

§ 1547, subs. (a)(12) & (13) Possible Reward for Hate Crime Information – Authorizes the Governor to offer a reward for information leading to the arrest and conviction of any person who has committed certain hate crimes.

§ 3053.4 Parole Conditions – Requires that as a condition of parole following a hate crime sentence, defendant must refrain from further acts of violence, threats, stalking, or harassment of the victim or victim’s family. “Stay away” conditions may also be imposed (additional requirement that you maintain a certain physical distance from victim).

§ 11410 Unprotected Activity Under the California Constitution – States that the urging of violence where death or great bodily injury is likely to result is conduct is not protected by the California Constitution; in this section the Legislature finds and declares that it is the right of every person, regardless of actual or perceived race or ethnicity, religion, gender, gender identity, gender expression, nationality, disability, sexual orientation, or association with a person or group with these actual or perceived characteristics, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals.

§ 13023 Reporting to the Attorney General – Subject to funding, requires the Attorney General to direct local law enforcement agencies to report to the California Department of Justice information relative to hate crimes.

§ 13519.41 POST Hate Crimes Training – Requires POST to develop and implement a course of training for law enforcement officers and dispatchers regarding sexual orientation and gender identity minority groups in the state.

California Ralph Civil Rights Act and the Tom Bane Civil Rights Act

The Ralph Civil Rights Act, Civil Code section 51.7, provides that it is the right of every person in California to be free from violence or the threat of violence against their person or property because of their actual or perceived sex, race, color, ancestry, national origin, religion, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, or position in a labor dispute. These listed characteristics are merely examples, and other bases

for a discrimination claim exist under the Act. The Tom Bane Civil Rights Act, Civil Code section 52.1, provides protection against interference or attempts to interfere by threat, intimidation, or coercion with a person's exercise or enjoyment of any constitutional or statutory rights. Remedies for violations of the Ralph Civil Rights Act or the Tom Bane Civil Rights Act include restraining orders, injunctive relief, equitable relief to secure constitutional and statutory rights, actual damages, exemplary or punitive damages, a civil penalty of \$25,000, and attorney's fees. An action may be brought by the Attorney General, or any district attorney or city attorney, or by the individual harmed.

Statutory Requirements for Department Hate Crimes Policies and Investigative Best Practices

As discussed above, pursuant to Penal Code sections 13519.6 and 422.87, all state law enforcement agencies must adopt a hate crimes policy, and all local law enforcement agencies that choose to adopt or update a hate crimes policy must include certain statutory elements.¹ The statutes require the California Commission on Peace Officer Standards and Training (POST) to create a model policy including the required statutory elements.²

Statutory Requirements

Penal Code § 13519.6

Penal Code section 13519.6 sets out the required elements for a hate crimes policy for state law enforcement agencies and encourages local law enforcement agencies to adopt such policies. This includes, but is not limited to, the following general elements: (1) a message from the law enforcement agency's chief executive officer concerning the importance of hate crime laws and the agency's commitment to enforcement; (2) the definition of "hate crime" in section 422.55; and (3) references to hate crime statutes including section 422.6.

The statute also sets out a title-by-title specific protocol that agency personnel are required to follow. This includes, but is not limited to, the following specific elements: (A) preventing and preparing for likely hate crimes by contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks; (B) responding to reports of hate crimes; (C) accessing assistance, including activating the Department of Justice hate crime rapid response protocol when necessary;³ (D) providing victim assistance and follow-up, including community follow-up; and (E) reporting.

Penal Code § 422.87

Penal Code section 422.87 expands upon the requirements of section 13519.6. It requires that any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy shall

¹ The recently-enacted "Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021" (part of the larger "COVID-19 Hate Crimes Act," Senate Bill 937) directs the U.S. Attorney General to create grants for state and local agencies to fund the creation of hate crime policies, the development of a standardized system of collecting, analyzing, and reporting the incidence of hate crimes, the establishment a unit specialized in identifying, investigating, and reporting hate crimes; the engagement in community relations functions related to hate crime prevention and education.

² The POST Hate Crimes Model Policy provides a detailed overview of policy purposes, the full model policy, and sample forms. It can be found at https://post.ca.gov/Portals/0/post_docs/publications/Hate_Crimes.pdf.

³ For information see the California Department of Justice webpage or use the following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-TeamProtocol-2.pdf>.

include certain specific elements. Some of these are duplicative of the requirements above, but include further specific requirements.

A new or updated agency policy must include specific definitions and information, including the definitions in sections 422.55 and 422.56 and the content of the POST model policy framework developed pursuant to section 13519.6.

The policy must also include information regarding bias motivation, which is defined as “a preexisting negative attitude toward actual or perceived characteristics referenced in section 422.55.” Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

The statute specifically addresses the situation of suspected disability-bias hate crimes. The policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as 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, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

The policy must include information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes and a plan for the agency to remedy this underreporting, including a protocol for reporting suspected hate crimes to the Department of Justice pursuant to section 13023.

The agency must include a checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency's hate crimes brochure, as required by Penal Code section 422.92.

Finally, the policy must include the title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Penal Code section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.

Investigative Best Practices

The Penal Code requires POST to create a model hate crimes policy, which, along with other model policies including from the International Association of Chiefs of Police, provide examples of agency best practices for investigating potential hate or bias crimes. The below is a summary of best practices from these model policies for successful law enforcement agency work on suspected hate or bias crimes.

Initial response

The success of an agency's initial response to a suspected hate crime depends on officers evaluating the need for additional assistance, ensuring the crime scene is properly protected, preserved and processed, and providing support and information to victims.

Officers arriving at the scene of a suspected hate or bias crime should:

- Secure the crime scene and ensure the safety of victim(s), witnesses, and suspected perpetrator(s).
- Stabilize the victim(s) and request medical attention if needed.
- Ensure that the crime scene is properly protected, preserved, and processed, such that the nature and evidence is thoroughly documented. Collect and photograph physical evidence or indicators of hate crimes such as: hate literature, offensive graffiti, spray paint cans, threatening letters, symbols used by hate groups, other bias symbols. Only after complete documentation of the scene, so as to support future hate crime prosecution, should any physical evidence of the incident be removed. Evidence of an inflammatory nature that cannot be physically removed should be covered up and then removed when possible.
- Notify other appropriate personnel in the chain of command, including the supervisor on duty, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- Identify and photograph criminal evidence on the victim(s).
- Request the assistance of translators or interpreters when needed to establish effective communication with the victim(s) and witnesses.
- Conduct a preliminary investigation, recording information on the identity of the victim(s), the suspected perpetrator(s), and witnesses, as well as prior occurrences in the area or with the victim(s) or others who share protected characteristic(s) with the victim(s) or other protected characteristic(s).
- Ensure that the victim(s) receive an offer of victim confidentiality per Government Code section 5264.
- Record statements made by suspected perpetrator(s) (exact wording is critical), as well as their gestures and any physical markings such as tattoos that could indicate a bias motivation.
- Consider assigning one officer with specialized training to interview and help victim(s) in order to minimize trauma.
- Investigate whether bias was a motivation "in whole or in part" in the commission of the crime, pursuant to the definition of "bias motivation" in Penal Code section 422.56, discussed in detail above.
- Pursuant to Penal Code section 422.92, provide the agency's Hate Crimes Brochure.
- Use proper techniques for interviewing people with disabilities and being aware of and providing

appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).

- Explaining the likely sequence of events to the victim(s), including contact with investigators, prosecutors, and the media.⁴
- Referring victim(s) to support and outreach services in the community.
- Giving victim(s) the best possible contact information for those handling the law enforcement investigation so that they are able obtain further information as the case develops.
- If necessary, and if the incident qualifies as a triggering event, contact the California Department of Justice and seek to have the Attorney General invoke the Department's Hate Crime Rapid Response Protocol to provide aid to your jurisdiction.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes are a critical next step in a successful investigation. Best practices for continued investigation include the following elements:

- Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- Use investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- Fully investigate any report of hate crime committed under the color of authority pursuant to Penal Code sections 422.6 and 13519.6.
- Provide victim assistance and follow-up.
- Canvass the area for additional witnesses, making use of bilingual officers or translators where necessary based on primary language(s) of individuals in the relevant geographic area.
- Document the circumstances and apparent motives surrounding the event.
- Review other law enforcement records and reach out to local non-law enforcement officials and organizations to find out if other bias motivated incidents have occurred in that area.
- Identify if the victim(s) engaged in activities that advocated for a certain racial, religious, ethnic/national, sexual orientation, gender group, or other issue.
- Determine whether the incident coincided with a holiday that could be linked to a bias motivation, such as a religious holiday or commemoration of a previous event or individual's death or birth.
- Determine if the suspected perpetrator(s) were previously involved with a bias crime or organized hate group.
- Examine suspected perpetrator(s) social media activity for potential evidence of bias motivation.
- Seek search warrants to examine contents of the suspected perpetrator(s) computer hard drive (if applicable) in order to determine if they are involved with hate groups.
- Appeal to witnesses to come forward with any information regarding the incident.
- Consider offering rewards for information leading to the capture and arrest of suspected perpetrator(s).
- Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate

⁴ For further information regarding state and federal laws protecting immigrant victims of crime, refer to Law Enforcement Bulletin No. 2020-DLE-01, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/2020-dle-01.pdf.

groups, and suspects potentially involved in the offense.

- 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.

Services for Victims of Hate Crimes

In addition to the victim-facing protocols discussed above, agencies should consider providing the following support and services for victims of hate crimes or incidents:

- Allow the victim(s) to express the intense feelings aroused by the hate crime or incident at the scene and during any follow-up investigation.
- Provide information to the victim(s) concerning the investigation and prosecution of their case, both about their case in particular and the system in general.
- Provide the victim(s) with a Marsy's Law card detailing their rights as a victim of crime.⁵ Under Marsy's Law, California Constitution Article I, § 28, Section (b), every victim of crime has the right to receive a Marsy's Law card, setting forth their rights as a victim of crime. Encourage victim(s) to seek out more information about these rights through the local systems-based victim services agency for further follow-up and next steps in the criminal justice process.
- If available, request the assistance of a systems-based or community-based victim advocate. Certain victim advocates provide on-scene response to provide victims in-crisis with warm support, advocacy, crisis intervention, resources, and accompaniment during the initial crime scene response including the entire criminal justice process. Most system and community-based victim advocates function under the direction of the local District Attorney's Office, Law Enforcement Agencies, Probation Department, and in few instances under local non-profit agencies
- Provide referrals for cross-cultural counseling for victims of hate crimes. Consider partnering with community organizations to provide such resources.
- Recognize the bias-motivated crime for the serious crime it is to the victim(s).
- Address the crisis of victimization as well as confront the obvious hate and prejudice exhibited in the crime.
- Assist the victim(s) in completing and filing an application to the state's victim compensation fund, if applicable.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers should be properly trained on the department's hate crimes policy. The agency should follow all legislatively mandated training requirements.

Pursuant to Penal Code section 13519.6, POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes.⁶ Trainers may also use other state and federal agencies that offer training courses, such as the U.S. Department of Justice, or

⁵ The Attorney General's Marsy's Law card is available at https://oag.ca.gov/sites/all/files/agweb/pdfs/victimservices/marsy_pocket_en_res.pdf.

⁶ For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov.

community groups with expertise in hate crimes response.⁷ The California Department of Justice lists hate crimes education and training resources on its website.⁸

Reporting

Data collection, documentation, and reporting are critical to an agency's response to hate crimes. Best practices for reporting include the following:

- Ensure that hate crimes are properly investigated, documented, and reported to the California Department of Justice, pursuant to Penal Code section 13023, so that they may be reported by the State to the federal government.⁹
- When documenting incidents, ensure hate crimes are clearly flagged to allow for required reporting. This can be indicated by the title/penal code section identifying the report as a hate crime.
- The agency head or their designee should make a final determination as to whether the incident should be classified as a hate crime by the agency.
- Agencies shall develop procedures to preserve hate crime reports, ensure timely communication of crimes to prosecutors' offices, and comply with legally mandated reporting.

Contact Information

The California Department of Justice takes great pride in assisting local law enforcement agencies in enforcing criminal and civil rights laws and protections. Should your agency or individual officers require technical assistance, please contact Division of Law Enforcement Acting Chief John Marsh at (916) 210-6300 or Senior Assistant Attorney General Michael Newman in the Department's Civil Rights Enforcement Section at Michael.Newman@doj.ca.gov or (213) 269-6280.

⁷ The current list of resources available from the U.S. Attorney General is available at <https://www.ojp.gov/feature/hate-crime/training-resources>. In California, the Museum of Tolerance, for example, provides law enforcement agency training regarding responding to hate crimes, with information available at <https://www.museumoftolerance.com/for-professionals/programs-workshops/tools-for-tolerance-for-law-enforcement-and-criminal-justice/hate-crimes/hate-crimes-courses-for-ca-agencies/>.

⁸ The current list of resources is available at <https://oag.ca.gov/civil/preveduc>.

⁹ See 34 U.S.C. § 41305 ("Hate Crime Statistics Act" gives the U.S. Attorney General authority to collect hate crime statistics but does not explicitly require reporting by state and local agencies).